

**Citizens' Participation
in Local Self-Government
Experiences of South-East European Countries**

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Foreword

The publication of Citizens' Participation in Local Self-Government is the result of the workshop in Sarajevo/Bosnia and Herzegovina (end of September 2001), organised by the Zagreb and Sarajevo office of Friedrich Ebert Stiftung within its regional project "Local Self-Government and Decentralisation in South-East Europe". In the context of the Stability Pact for South-East Europe and in co-operation with national institutions the Friedrich Ebert Stiftung has initiated a regional project to analyse the situation and the reforms of self-government and decentralisation in the countries of the region, covering Albania, Bosnia and Herzegovina, Bulgaria, Macedonia, Croatia, Serbia, Slovenia, Romania, and Hungary. Based on the analysis and the discussion of experts on the different experiences in implementing reform steps, and the preparation and distribution of publications resulting from different workshops, the project's goal is to promote public discussion with policy makers, researchers, and experts at national and local levels.

The first regional workshop with experts on local self-government and decentralisation was organised in Zagreb in April 2001. Friedrich Ebert Stiftung Zagreb has published the results of this workshop, including ten country studies*. The second workshop followed (end of June) on "Financing Local Self-Government" as one of the top priority areas in local government**. Cross border cooperation was identified as a further important issue, which led to another workshop end of July***.

Supporting the development of democratic and civic structures at the local government level, the expert group of the project and Friedrich Ebert Stiftung felt the need to look deeper into the relationship between local authorities and citizens, particularly the legal framework and the actual possibilities of citizens to participate in decisions relevant to their local situation. For this reason, a number of papers on the experiences in Bosnia and Herzegovina, Croatia, Hungary, Romania, and Slovenia were presented and discussed at the workshop in Sarajevo. The main issues of the discussion during the workshop as well as the

* *Local Self Government and Decentralization in South-East Europe. Proceedings of the Workshop held in Zagreb, 6th April 2001*, Friedrich Ebert Stiftung, Zagreb 2001.

** *Financing Local Self-Government. Case Studies from Germany, Slovenia and Croatia*, Friedrich Ebert Stiftung, Zagreb 2001.

*** *The Interreg Model. Practical Experience in Cross Border Co-operation*, Friedrich Ebert Stiftung, Zagreb 2001.

conclusions concerning the civic "tools of pressure" on local authorities are shown in the workshop summary of this publication.

Zagreb, November 2001

Rüdiger Pintar
Head of the Regional Office Zagreb
Friedrich Ebert Stiftung

Zlata Ploštajner

Building active citizenship: citizen participation at local level

Introduction

An important precondition for any successful effort to restore peace, stability and sustainable economic development in the region of SE Europe is to avoid further fragmentation and subdivision along ethnic, religious, linguistic or other cultural lines. Yet, in South Eastern Europe the excessive centralism and one party system precluded development of democratic political culture and tradition. Despite the existence of important minorities in almost all countries, differences were normally not expressed publicly and discussed openly, they were not respected and appreciated as something valuable, something enriching society, but were rather suppressed. People did not have an opportunity to learn and to practice tolerance towards the "others", instead they were taught to value sameness not difference. This exacerbated ethnic problems and contributed to instability, lack of tolerance towards the "other", and disrespect for citizen liberties and human rights in the region.

In order to restore stability, build mutual trust, develop respect for citizen and human rights, and heal past and new wounds in these diverse and multi-ethnic societies and regions one should carefully consider all possibilities for establishing a tolerant political system based on dialog, cooperation, co-determination and consensus.

The paper investigates this issue in relation to local government. We ask ourselves the basic question: What can be the main contribution of local government to the development of democratic, tolerant and peaceful state and society? Or, to state it differently, what can and should local government contribute to the restoration of peace, stability and prosperity in the region?

When thinking about this issue we also have to take into consideration that the relationship between government and citizens is becoming increasingly complex and multifaceted. Development of information technology, accompanied by the emergence of information society has changed the context of governance. It has increased the influence of the mass media and the number of interest groups and other non-governmental actors asserting the right to play a greater role in the governance process.

New communications technologies are allowing citizens and groups to overcome the barriers of physical distance and to organize themselves more quickly and effectively across local, regional and national borders. Different interest groups are increasingly organized nationally and internationally, thus gaining additional leverages for influencing the policy debate at all levels or in several countries at the same time. They collaborate across borders sharing strategies and experiences and putting pressure on governments to know more about what other governments are doing in response.

At the same time many problems (i.e. environmental, developmental, infrastructure, etc.) must be addressed in a global and increasingly inter-related environment, requiring co-operation and agreement across regions, nations, or on a global basis. Faced with such complexity and a perceived loss of direct influence over national and local policy decisions many citizens, who are nowadays more educated and better-informed, rise doubts about the legitimacy and effectiveness of their governments. In the modern global world, citizens can gather information directly from international sources and it is no longer possible for governments to censor or control the flows of information. Information technology has effectively eliminated the capacity of governments to keep out foreign influences, either "good" or "bad". This increased access to information has a "democratising effect" - politicising citizens and often mobilizing them into action. They very often seek new ways of representation of their interests and expression of their opinion not only in political but also in administrative arena.

At the same time, in considering these challenges, governments increasingly realize that they will not be able to conduct and effectively implement policies: as good as they may be, if their citizens do not understand and support them. Thus, governments have been looking at new or improved models and approaches for better informing and involving citizens in the policy-making process. This is a very positive development since national policies and administrative actions can also suppress democratic participation and civic infrastructure needed for citizen participation, when citizens' aspirations meet obfuscation from public officials, when publicly sanctioned discrimination of whatever form stifles opportunity, or when the presumed superiority of elite decisions supplants public judgment.

Local democracy as a precondition for democratic development of the state

If democracy, as John Dewey said, is not only a form of government but also a way of life, politics and public administration have to provide for supremacy of

participatory democracy over bureaucratic authority in determining the ends and the means of policy. They need to cultivate new channels of communication and new modes of public participation that will foster the democratic way of living. Politics and good public management should liberate the energies of individuals and facilitate communication by levelling all types of obstacles and bringing politicians, administrators and citizens into the decision-making process. Thus, we will focus on the question of what democracy means and can mean and how public participation can be encouraged and fostered at a local level.

In transitional countries, experience with democracy are relatively short, uneven and very often frustrating. For further development of democracy in these countries "double democratisation" is needed in the sense of democratisation of the state and civil society, since they sustain each other, make each other possible, and also limit each other. The state guarantees democratic civil society with establishing and protecting the rules of the game and through the enforcement of political equality of citizens it demands from a differentiated and heterogeneous civil society tolerance and respect for its inner differences in the name of political equality. By guaranteeing political equality the state enables and protects social differentiation of individuals and prevents totalitarian impulses existing in civil society to develop. At the same time differentiated civil society pressures state to provide equal rights to all citizens, and thus further strengthen democracy.

Direct ruling of civil society would mean the termination of the state, political equality and politics itself. Individuals would not be able to present themselves as politically equal citizens, they would be bound to their social inequality.

On the other side, past experiences of SE countries indicate that an unlimited state dissolves civil society, disbands politics and reduces it to the administrative management of society, and relegates it to a purposeful instrumental activity. People were equal but that was an arbitrary social equality, administratively enforced by the state. However, the citizen as a political being ceased to exist.

Strengthening democracy will benefit the region, because people will learn how to peacefully deal with differences of interests and opinions and solve their disagreements according to established democratic procedures. Benefits should not be limited to the national state, they should spread across the borders through the entire region. Building trust, democratic norms and developing networks of civic engagement seem to be a precondition for stability and future prosperity of individual states and the region.

The place where these processes begin is local community. Local governments in transitional countries are confronted with problems such as decentralization,

fragmentation, underdeveloped mechanisms of public participation, a lack of highly educated professionals both as officials and politicians at local government level, and many other problems. However, in today's highly complex world it is only at this lowest level of democracy and autonomy that a direct dialogue between the citizens, their interest groups and politically elected decision-makers can be held. Effective local democracy is therefore a factor of vital importance in determining citizens' attachment to a particular political and socio-economic system, and is thus a *sine qua non* for higher levels of democracy. Each citizen in local community should have a chance to practice active citizenship and gain needed experience for participation at higher levels and develop democratic political culture.

Citizen participation in political processes

Democracy is defined through the citizen, through their political action. However, this is where important differences also arise. Is it enough that citizen political activity is limited only to periodical actions of electing political representatives who then act politically in the name of citizens, while they return to their privacy, and enjoy their private happiness? Or, is it vital for future survival and development of democracy to have active cooperation of citizens in politics? Political parties and elected governmental bodies provide important, but limited, possibilities for citizen participation; still, from the viewpoint of active citizens this kind of participation is not enough.

Another important question is the question of the essence of democracy. Very often democracy is interpreted only through interests, which conciliate and form compromises through predefined procedures. The role of the state is to be a guarantor of the non-political private sphere, where individuals follow their own wishes and private happiness. If the state reaches beyond this framework it begins to invade the private social sphere thus endangering its existence.

The political in this case is reduced to the state, and there is no public, political space for active citizens, striving for public happiness within the sphere of politics. Politics is reduced to the battle between private social interests that can emerge in the society only as group interests, and only as such can they be represented. For that reason interest groups as their bearers and representatives are trying to take over the state power through political parties as representatives of certain interests. When they get the state power they have free access to the administrative state. Winning political power gives them a temporary mandate (until the next election) to execute their interests through the administrative state.

However, there is also a different notion of democracy, which stresses that democratic procedures are important for the formation of opinion and the common will of citizens. Through these procedures the political community is constantly emerging, carrying out the process of its "ethico-political self understanding", and political self-organization. Within this view special attention is paid to decentralized self-governed communities and direct democracy understood as the ideal forms of political organization. However, individuals can form their opinions only in the public space, only in a dialogue, and for that reason speech, debate, discourse are constituent parts of the political, and should be done in a way that enables participation of citizens.

So when we think about democracy, we should have in mind both processes: the representation, negotiation and reconciliation of different interests and the formation of opinion and the common will of citizens. Democracy implies that all participate with equal opportunity in a political process carried out through the media of public discourse.

Citizen participation in public administration

The importance of public administration for further democratic development of transitional countries is often overlooked. Its importance is due to its central role in the governance process, due to its participation in power. Public administration is a set of institutions oriented toward the practical realization of politics. Saying that, we should not forget that institutions are affected by their social, economic, and political context but also powerfully affect that context. "Political democracy depends not only on economic and social contributions but also on the design of political institutions" (March and Olsen 1984: 738).

Public administration is a government, government in action, practically functioning government that with its activities or non-activities affects the everyday lives of citizens. But to reduce public administration only to the exercise of power, to the relationships of governing, domination and subordination would prevent us to grasp its wider, political role. Public administration participates in the political process of forming the common good, and is at the same time the main actor of its realization.

In the conditions where we are aware of the fact which scholars of public administration have proclaimed for a long time, that public administration participates in decision making, it is necessary to think of the possibilities of democratisation of public administration, or to put it differently, about the participation of citizens in the spheres of the administrative state. We believe that the democratisation of the state and its institutions is a process that cannot be

limited to the representative and elected political institutions, but must also reach to the sphere of public administration. While transitional countries have been putting much effort in establishing multi-party systems and political institutions seen as a precondition for political democracy, much less attention has been devoted to the democratisation of public administration.

Some efforts were made and are showing in the establishment of civil service systems, the introduction of new ways and techniques of administrating, the rise of the "roles of the users", etc. But the essence of the question of democratisation is hidden in the question how to, within a specific national constitutional framework, create conditions for active participation of citizens in the sphere of public administration. This important question makes sense when we do not see public administration only as a technical, instrumental organization only, but also as a political institution, that has its own specifics.

Public administration must therefore be included in the process of the democratisation of the state. This process includes the democratisation of politics and political institutions, as well as the democratisation of administration, and administrative institutions. What will the consequences be for public administration? It is hard to say at this point, but we have to think about them. Acting and speaking, as the essential forms of any citizen political activity, should be brought back to the public sphere, and also into the sphere of public administration. Through public discourse, taking place in public spaces, the world comes to reality, common interpretation of the world is formed, political community is established, and a community that is capable of joint action and of a new beginning. Political action that takes place in these common public spaces presumes political equality with the respect of social differences, and it creates an opportunity for the citizens to practice the possibility of a new beginning, which does not necessarily imply a break with the past, but it does mean a possibility of creating institutions as seen fit, which must also apply to public administration.

The process of a gradual expansion of the responsibilities and functions of modern states with the classical governmental functions representing now a minor part of its tasks is accompanied by the necessary growth of administrative state opening new areas where public administration is not acting (only) from the position of exercising power, but also as a place and a medium for political discourse. Public administration has to appreciate these changes and reflect carefully upon the modern administrative state, taking into account inner differentiation among the different functions of public administration. Even though a large part of administrative activities is determined by the technical rationality, there are processes taking place in public administration that do not

yield, and must not yield, to such logic. One of the important tasks of public administration should become the protection of public places and the creation of new public places where citizens can as equals invoke their social differences.

Only the public administration aware of its own political nature and social responsibility will be able to use its power according to the rules of democratic political life. In the opposite case, transitional societies face a threat that they will once again sacrifice politics, sacrifice the possibility for active citizens involvement in public discussions about common issues and that politics will be substituted for administrative expertise based upon scientific methods, that politics will be replaced by the technology of governing, and that political spaces will gradually disappear. Working out the ways in which the democratic ethos can be realized within public administration organizations is an area of theory and practice that still awaits development.

Public administration whose aim is to enhance democracy should strive for active participation of citizens in the governance process. An increase in citizen participation is possible only by a gradual elimination of obstacles that hinder or prevent citizen participation or divert them from it because they see no sense in it. Some mechanisms, such as public hearings provide for limited participation. But this is not enough; therefore public administration action must be made public. It has to provide for public participation as much as it can and try to include the public everywhere possible. Public administration must find new ways of including citizens in a discussion about public questions. Participation in public discussions and other administrative actions should be a positive experience for citizens, additionally stimulating them to take active part in political engagement as citizens.

Deliberative activities of public administration open the possibilities for active citizenship and for a joint learning through debate, thus contributing to the realization of democratic principles in practice. Democracy should not be an obstacle for public administration action, it must be an integral part of its action, because its basic mission is to strengthen democratic institutions in society.

Forms of citizen participation

The question of who is and should be represented in a democracy, how they are represented, and who should have a say in which issues is critically important. The contemporary movement to examine the role of the public in the process of political and administrative decision-making is a response to the problems in the latter half of this century and as a result of concern on the part of citizens, administrators, and politicians over citizen discouragement and apathy

(Putnam, 1995). As both citizens and their leaders have noticed, "participation through normal institutional channels has little impact on the substance of government politics" (Crosby, Kelly, and Schaefer, 1986, 172).

Many citizens, administrators, and politicians are interested in increasing public participation in public decisions. Efforts to do so are currently underway across many countries. However, there is considerable evidence to suggest that these efforts are not very effective (Crosby, Kelly, and Schaefer, 1986). Some efforts appear to be ineffective because of poor planning or execution. Other efforts may not work because political and administrative systems that are based upon expertise and professionalism leave little room for participatory processes (Forester, 1989).

The attainment of an inclusive democratic polity that will be recognized as just and fair by the vast majority of its citizens will not occur without setting that as a goal and providing ways and strategies to make it happen. One such strategy is representative bureaucracy, relating to the notion that opinions and interests of various groups were to be represented in all institutions, including public administration. The notion of which groups should be represented includes ethnic groups, women, classes, occupations, geographic areas, and more recently in some other groups like the disabled, among others. What we accept as outside our boundaries sets the public agenda as much as and, perhaps even more than, what we place on the agenda. By limiting who has standing we limit who has the rights of representation. By limiting who has full rights to be represented we limit the range and scope of the societal problems that will become policy issues and get on the agenda.

Representation does not have a self-evident meaning. Hanna Pitkin (1967) identified four types: formal, descriptive, symbolic, and substantive. Broadly speaking, they differ in terms of whether representatives "stand for" or "act for" those they are supposed to be representing.

In democratic countries **formal representation** is supposed to take place via the election process. Ideally by means of elections citizens vote to give authority to others to act on their behalf. They hold them accountable for their actions at the next election by either voting for or against them. But elections only make representation possible as they do not themselves constitute representation. To fulfil their goals elections must be considered fair and conducted according to some accepted rules. It is also very important to secure adequate voter participation in elections. If the participation rate is low, the legitimacy of the elected representatives would be questionable. The reasons for a low participation rate can differ. Some argue that it can be interpreted also as an expression of citizen trust into the stability of a system. Such explanations are

dubious in case of old democracies and even more so for new ones. In such cases questions of how much trust and confidence people have in a system, how representative and democratic political parties are, to what extent politics is played out according to democratic rules and procedures, what a real choice and real power citizen have, etc. should be addressed and studied very carefully to find adequate remedies.

Descriptive representation refers to the extent that the populace or subgroups are similar or comparable to a political body or bureaucracy. Legitimacy of policy-making and implementation is thought to be increased if the decision makers and government officials are rather like those affected by the decisions to "stand for" them, i.e., to represent them. By understanding the context of the policy and delivery problem a descriptive representative can present information about something not actually present and through the shared characteristics, knowledge, and understanding represent the views, concerns, and situations of those who are absent. In reality, particular individuals might or might not do this. This type of representation is especially important in diverse and multiethnic societies, because it can increase or diminish the level of confidence and legitimacy a politico/administrative system enjoys.

Symbolic representation refers to the fact that symbols, like a flag, a president, a soldier, an administrator also stand for and represent things and people who are absent: Symbolic representation rests on emotions and attitudes, on a system of shared values between the rulers and the ruled. Symbolic politics rests on the notion that words can succeed even when policies fail. Hence, leaders must not only make appropriate policies and oversee their proper implementation, they must also build symbolically on shared values and beliefs about both the situation and what must and is being done. If actions can be portrayed as equal, fair, just, or equitable with all relevant parts of the population having been considered, then the acceptance of governmental action will be broader. An emphasis on the equality of citizens supports both the descriptive and the symbolic representation.

Substantive representation most directly concerns acting for another. Representation occurs when the substance of issues and wishes reflecting the represented opinions and interests is presented and acted upon, and this acting part is very often performed by public administration.

By restricting representation to its formal types, it has been possible to exclude many "citizens" from full rights, liberties, and duties. For example, the long held idea that men could represent women without the latter being physically present in political institutions. The fact that most of the male representatives did not represent the women well has led to the recognition that the formal representation was deceptive.

Main principles of citizen participation

Putnam (1993, 172), in *Making Democracy Work*, concludes "that democratic institutions cannot be built from the top down (or at least not easily). They must be built up in the everyday traditions of trust and civic virtue among its citizens." Putnam's thesis is that a civic community based on high levels of political interest, social equality, interpersonal trust, and voluntary association leads to higher probabilities of effective governance and democracy.

We believe that effective citizen involvement is essential to good government. Elected officials, staff and citizens all play important roles in governing a local community, region and state. Cooperation among the government, local governments and citizens results in the best policy decisions. Therefore, it is crucial for local government to promote and to sustain a responsive citizen involvement environment. To carry out the commitment acceptance of some guiding principles, it can help to:

- Value active citizen involvement as essential to the future of the local community
- Promote participation, based on citizen involvement opportunities, of individuals and of different citizen organization
- Respect and consider all citizen input and respond to their perspectives and insights in a timely manner
- Encourage opportunities that reflect and publicly express the rich diversity of local community
- Provide communications to encourage citizen participation in politico administrative processes that are understandable, timely and broadly distributed
- Provide citizens with an opportunity to be involved from the very beginning in the process of policy development, planning and project development
- Organize involvement activities to make the best use of citizens' time and effort
- Provide adequate financial and staff support to citizen participation
- Support and sustain ongoing networking among citizens, local governments, local government officials and staff
- Provide training to local government officials and professional staff in the area of citizen participation
- Coordinate interdepartmental and inter-jurisdictional activities so that it will encourage citizen participation and make it more effective and meaningful
- Regularly evaluate the effectiveness of citizen involvement in search for possible improvements

Slovenian experience with citizen participation at the local level

In Slovenia, citizens enjoy the constitutionally guaranteed right to self-government. According to the Constitution, municipalities are the basic socio-economic, political and administrative units next below the level of Central Government, responsible for the development of the local economy and social services in their territories. Slovenia has thus introduced a single-level system of local self-government¹, differing greatly from the former local government organization under the previous Yugoslav administrative hierarchy, where the commune (as the basic local government unit) performed both state and local functions. Slovenia also ratified (in 1996 and again in 1997) the European Charter of Local Self-government. Currently, municipalities perform only their own functions, since the state has not yet transferred any of its responsibilities to the municipalities. The position of the municipality vis-à-vis the state is protected by the fact that the Constitutional Court watches to see that the regulation of each local community is administered in accordance with the Constitution and law, and determines disputes between the state and municipal authorities.

The assets of a municipality should be composed of the intangible and tangible property owned by the municipality, the financial means and the rights. The municipality should finance local projects of public interest from its own sources, the national budget and the loans.

Slovenian municipalities range from 400 to 270,000 inhabitants. According to the law a municipality should have more than 5,000 inhabitants, although the law allows for certain exemptions. However, half of the municipalities do not fulfil this criterion. Due to their smallness, municipalities often lack the financial resources and administrative capacity to perform their functions successfully.

The municipal council has to appoint the supervisory board, whose members may not be members of the council, municipal administration or management boards of organizations financed through municipal budget. The supervisory board oversees the efficient implementation of the budget and all other financial operations within the municipality. Audits can be performed also by the Court of the Audit of the Republic of Slovenia or by an independent licensed auditor upon the initiative of the municipal bodies.

The organization and the structure of the municipal administration is left to the municipalities themselves. The size and the organization of the administration are heavily dependent upon the size of municipality. In small municipalities, with

¹ It was introduced according to the Law on Local Self-government (passed in 1993, and later amended six times) and the Law on the Establishment of Municipalities and on the Determining of Their Territory (1994).

few employees, there is some functional division, but they have to perform all the tasks needed. Larger municipalities and all urban municipalities are organized according to the departmental principle (finance, spatial planning and environment, public services, etc.). Municipalities can decide by statute or by decree that the secretary, who is responsible for professional guidance of the municipal administration, also heads the municipal administration.

Table 1: Municipalities by size, 1999

Population	Number of Municipalities	% of total municipalities	% of total Slovenian population
0 - 1,000	6	3.1	0.2
1,000 - 2,000	18	9.4	1.4
2,000 - 5,000	71	37.0	12.4
5,000 - 10,000	43	22.4	14.6
10,000 - 20,000	36	18.8	26.4
20,000 - 30,000	10	5.2	12.4
30,000 - 40,000	2	1.0	3.6
40,000 - 50,000	3	1.6	7.0
50,000 - 100,000	1	0.5	2.6
100,000+	2	1.0	19.4
Total	192	100.0	100.0

Legal provisions for citizen participation in Slovenia

Citizens already take part in the process of the establishment of municipalities. A municipality may be established by a statute following a vote in favour of its establishment at a referendum conducted to ascertain the will of the people in the area affected.

If the council agrees and the citizens accept it through a referendum or town meetings the municipalities can be divided into smaller communities (local, village or ward communities), which are offsprings of the municipality.

As voters, citizens elect political representatives for municipal bodies. Local government elections² are held every four years for municipal councils and mayors. The number of council members is defined by the municipality itself but must be within a legal framework of 7 to 45 members, depending on the population of the municipality. They are elected by proportional or majority system from the candidates' list of political parties, political coalitions and independent candidates. The majority system is used for the election of small councils (up to 12 members), while proportional system is used for the councils with more than 12 members.

²The Law on Local Elections, passed in the 1993, regulates them.

The mayor is also elected for four years by direct suffrage. They can be candidates of political parties or independent candidates with enough support from voters (by petition or voters assemblies). If none of the candidates wins the majority in the first round, the two candidates with the best results compete in the second round.

Direct forms of citizen participation in the decision making of the municipality have been facilitated and can take a form of people's initiatives, or "assemblies" (obligatory and consultative) of the citizens. An "assembly" of a municipality's citizens can be called by the mayor at their initiative, at the initiative of the municipal council or at the request of a minimum five percent of the municipality's registered voters.

Municipalities have at their disposal also various types of referendum (preliminary, advisory), which can be called at the request of citizens or councils. Citizens also participate in consumer protection council, which submits its proposals and comments to the municipal council when the council deals with public services.

Conventional forms of citizen participation

Conventional forms of citizen participation include voting, which was already mentioned. In addition to that other forms of participation were developed in the past including:

- Referendum,
- Municipality or community assembly,
- Public presentation,
- Public exhibition,
- Public discussion for a defined time period (usually one month).

Today these conventional forms are not enough due to changed circumstances. Although they offer limited possibilities for expression of citizen interests and opinion, they should not be dismissed as unimportant. It is probably much more true that they should be supplemented by new forms which evolved during the last decade. There are also many new possibilities that the rapid development of information technologies provide and should be explored carefully.

New forms of citizen participation

It seems that the new circumstances require some non-traditional forms of political action and citizen participation. Some have already evolved, the other are still evolving. To mention some of these new forms:

- Citizens organized themselves (breast cancer survivors, environmentalists, etc.) into networks, to lobby and influence public policy
- Different citizens' alliances have been formed since the 1990, which initiate, propose, or comment on respective new legislation
- Use of Internet for citizen comments, proposals, etc.
- Creation of internet discussion groups
- Grassroots' self-organization of citizens to stop the potential action they opposed
- In certain instances within a planning process, public spaces have been deliberately and effectively created for both the stakeholders and the citizens to participate

Some practical experience

After the establishment of the municipality of Kranjska Gora, its government decided to put in special efforts to stimulate the development of those local communities that were lagging behind and not showing any initiative. The municipality selected a team of professionals to assist local communities in preparation of their own development plans and projects. The team approached its work on the premise that citizens have the right and the responsibility to become informed on development issues concerning their community, as well as the right to comment on them. The project was structured into three phases.

The **first phase** was an animation phase where special efforts were made to convince citizens and other stakeholders to participate in development planning. The project team first analysed the situation based on the available data and resources. After that, these interviews were carried out by the community officials (council members, president, secretary, etc.). At the same time a questionnaire was delivered to every household. When households comprised two or three generations, additional questionnaires were provided and members of every generations were asked to answer the questionnaire separately. In a covering letter giving information about the project they were also informed that team members would collect the questionnaires on a certain day (Sunday), when most people would be at home. The team decided for the personal collection of questionnaires to establish closer contacts with community members and to use the occasion to discuss a project with them and answer all the questions or concerns they might have. This approach was necessary because at the very beginning the team sensed a high degree of apathy among the citizens and they wanted to stimulate them and persuade them to get involved.

During the **second phase**, the team members gathered additional input from citizens and other stakeholders (business, NGOs, clubs, etc.) to sort out the main issues and form proposals of effectively addressing them. The team provided public space for citizens and other stakeholders (business, NGOs, clubs, etc.) to provide the input. Public meetings were used for different groups (citizens, business, NGOs and other associations). Since the team had figured out that young people were very dissatisfied with the way community agencies functioned, but not willing to participate because they did not think it was worth any effort, special measures were undertaken to get them involved. During the collection of the questionnaires some of them already developed a more positive attitude toward the project and they were asked to discuss the project with their colleagues and convince them that they would be heeded.

The first meeting related to the problems concerning especially the youth was already organized at the time and the place of their own choice. First, a lot of opposition and distrust was expressed, but at the end of the meeting a group of young people decided to join a project and motivate the rest of the young people. During the continuation of the project they were very active and really took the ownership of the project. Based on the project experience they even decided to run at the local elections for community council, and they were successful. In the new 7-person council they won four councillors, so they could appoint their own candidate as president.

Based on the proposals by the community, the expressed interests of community members and the teams suggestions, discussion groups were formed for different areas of interests. The team provided for a structured, facilitated and in-depth deliberation that encouraged participants to consider each other's viewpoints in a non-confrontational manner and reach a compromise or consensus on the issues in question. In this way the members also learned certain rules and developed the skills for the participation in public deliberation. They learned to accept differences of opinion and interests as legitimate and as a base for further discussion, which could and should bring them closer.

The **third phase** involved the team checking back with the citizens and the stakeholders to ensure that what they put forward as recommendations correctly reflected their views and priorities. In fact, in the third phase of the process, the citizens and other stakeholders were brought together with professionals and experts at the same meetings. This allowed the areas of divergence as well as the common ground to be discovered and clarified. Further, this allowed the team to assure decision-makers that their recommendations enjoyed widespread support from the communities and that the actions resulting from these recommendations would be carried out or supported by community members.

The team used a **deliberative process**. Deliberation, unlike debate, encourages reflection and learning, promotes collaboration and a focus on common ground, and allows new options to emerge. While polling gets at "top of mind" answers, deliberation allows citizens to work with the complexities, constraints and trade-offs facing community today.

All meetings were open to public, so that every citizen could participate even though they had not been invited. Regular information were published and delivered to every household, so that citizen could monitor the progress.

Representatives from the municipality and certain state offices were invited to attend certain meetings, so that municipal and state aspects and views could be incorporated into the projects. Also, in this way, new channels of communication emerged, giving these officials an opportunity to discuss practical consequences of their policy and regulatory activities.

Evaluation of results

Very often citizens in Slovenia do not believe that participation is meaningful and that their activities can influence decisions. They are also used to being told by somebody else what to do, and how to do it since it takes away from them the responsibility for their (in)action. Many would prefer certainty to uncertainty and it is hard for them to make any decisions in times of permanent change.

Under the previous regime they did not have enough opportunities to develop their own initiative, to learn that their own future and the future of their communities depend on their action or inaction. In the present conditions, when nobody will bring something to them or to their community on a silver platter, they have to learn to draw on their own resources and make the most effective use of them and to compete with others for limited national or international resources.

Sometimes the awareness of this new competitive environment produces unwanted results. People hold themselves up, mind only self-interest, forget that they also depend on their communities. And a community's better and stable future lies in a close cooperation of its members and the care for the well being of each of its members.

People can find out about their new responsibilities and citizen rights only through practical engagement in community affairs. But it is a responsibility of elected politicians and administrators to provide the necessary conditions for their meaningful participation, because otherwise they will disengage.

According to the Slovenian experience, there are two very hard tasks, first being to animate citizens to join community actions, to participate, and second to carry

out deliberative processes according to democratic principles, so that citizens will participate as equals ready to listen to each other arguments and take them into account when forming decisions.

The problems are quite often also with professionals who participate in decision-making process as experts, since very often they are not willing or able to discuss their argument with laypersons. It is not just the problem of language and complicated arguments; there is also an unwillingness to accept other modes of knowing as legitimate. Professionals are also not aware of their broader social responsibility and do not understand that politico-administrative decision-making processes must also reflect other concerns and are infused by value choice which cannot be made based solely upon scientific evidence.

Challenges to public participation

Public policy and all public issues in a democratic society should be openly deliberated and decided with the public interest in mind. The institutional structure is needed that can provide for deliberation on the public interest being open to all citizens not just those who can afford to pay and are politically the most influential. The establishment and broadening of citizen participation is very important for democracy. Citizens, politicians and public administration need to communicate. Public administrators need to give information to citizens and provide the possibility for communication, the interpretation, and the dialogue. A readiness for dialogue is an expression of the central democratic principle that citizens should participate in public affairs. The dialogue is also a way of educating citizens and thus equipping them better for future performing of their citizen role.

Public participation can be seen as ranging from information sharing to consultation to more active forms of participation, such as partnerships, that involve strong citizen influence over public policies and services, what should be our main goal. Where participation is used only as the legitimisation for already adopted decisions and is not meant for active co-operation in decision-making, then co-operation runs in supervised, managed, and many times manipulative ways. This is accomplished in most cases by making the important decisions internally or in consultation with chosen experts and presenting the full-blown proposals to the public only for comment or, sometimes, just information. If there is no openness and readiness on the part of politicians and administrators to respect the contributions of all participants in the debate, the public debate serves only as a smokescreen and a legitimisation tool for the already accepted goals.

They should be aware that it is sometimes impossible to achieve a compromise or consensus, because the readiness of the participants, their openness to other views, differs a lot. But the public dialogue is also a school of democracy, where citizens through practical work learn to perform their citizenship roles.

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Peter Nizak

Role of NGOs in the Local Decision-Making Processes Example of Hungary

In this short study, we will describe the legal and economical changes in Hungary after the political change (1989) that was crucial in developing adequate circumstances of the public participation in Hungary. In this context, Hungarian Constitution, NGO Law, Municipality Law and other laws and regulations regarding political and democratic rights are crucial. These can provide framework of public participation and allow the public (mainly through NGOs) to control and observe political and economic decision of the State and local governments.

We will also describe how important the role of NGOs is in the local decision making processes. Our basic idea is that NGOs are the basis of the democratic society and their role is extremely important because they are the channel of the people's voice and wills. NGOs can also play an important role in the development of a democratic society; "watching and controlling" the political and regulatory processes at the state and the local levels as well.

Political and Economic Transition in Hungary and NGOs

Background: Political and Economic Transition in Hungary

Country Profile: Hungary
Population: 10.1 million
Size: 93.0 thousand sq. km
Population per sq. km: 110.0
Population growth: -0.5 %
Life expectancy: 71 years
GNP per capita: 4,650 US\$
GDP: 48.4 billion US\$

Hungary has made tremendous progress in restructuring its economic and political system during the transitional period. The resulting competitive market

economy and the transparent and accountable governance have allowed Hungary to move rapidly toward the full integration in the economic and security institutions of the West.

Though Hungary was part of the socialist block for more than forty years, it had had some experience of a multiparty democracy, and a growing and modernizing industrial and agricultural economy linked by trade to other European countries. Economically, it was a moderately developed country in the eighties.

So, in the early nineties, after the (peaceful) political changes, Hungary went through a rapid and successful transition period and developed the social, legal, economical and political structure of a private sector-led market economy and democracy. Hungary is one of the members of NATO and the country is developed enough to have a real chance of becoming a regular member of the European Union. Of course, the situation in Hungary is more complex than described above. Theoretically, the entire set of democratic institutions has been put into place, but these components are not quite operational and are not fully refined in their complexity.

Political transition

The historic National Roundtable negotiations in 1989 among the opposition parties provided the basis for Hungary's return to parliamentary democracy and free and fair multiparty elections in 1990. In a short time, a wide range of legislative actions was taken which restored parliamentary democracy in Hungary: laws setting up an independent judiciary, regulating the registration of political parties, restructuring local government, the interim government between 1989 and 1990 established electoral procedures.

National and local multiparty elections were held in 1990, and since then two more elections have been held at the national and local levels. (1994 and 1998.)

Though the law on foundations and the law of association were passed by the early nineties, comprehensive NGO legislation was only enacted in 1997. The number of NGOs is now large (app. 50,000) and they are focusing on advocacy, delivery of (public) services and social issues.

Formal controls over the media were lifted early in the transition, though the Government retained considerable control through the ownership of media outlets. A media Law was enacted in 1995 and two TV stations were privatised in 1997. A lively press and media are evolving.

The reforms, which created over 3,200 local government units, quickly brought the government to the people but also challenged the new administration to develop the competence and the processes needed for an effective deliverance of the services demanded by citizens.

Although the Constitution guarantees equal rights to all citizens, ingrained attitudes toward minorities (especially the Roma) have resulted in the discrimination and the violation of minority rights in several cases.

Economic Transition

Since the country reformed some features of its economy in the 1960s, it achieved substantial progress in establishing a basic legal and institutional framework for a market economy by the 1980s. The initial conditions for economic reform were more favourable than in other Eastern European countries, and therefore Hungary was better prepared to undertake the transition to the market.

Despite the above listed facts, Hungary was not able to avoid a deep transformational recession. Hungary's newly elected government (1990) was faced with a declining growth, a rising inflation and a huge foreign debt as well as with a large government budget deficit. Unemployment skyrocketed from essentially zero to 12.5 percent.

Hungary fell into a deep recession in the first years of the transition, with GDP plummeting by 17% between 1990 and 1993. Similarly, the current account deficit grew to almost 10% of GDP in 1993 and 1994. This happened against the backdrop of an already high level of foreign debt.

In March 1995, the Government introduced a stabilization program aimed at putting the economy on a sustainable path of low-inflationary growth. The accelerated structural reforms that included currency devaluation, a new exchange-rate mechanism, a tight wage policy in the public sector, and fiscal measures to enhance revenues and cut expenditures, accompanied the program. Its implementation produced successful results, with the Government deficit (excluding privatisation revenues) falling from 8.4% of GDP in 1994 to about 3.5% in 1996.

The adjustment in terms of real wage decline was equally significant in the stabilization process. Real gross wages went down by 8.9% in 1995 and 2.6% in 1996. This decline, together with an increase in productivity, resulted in sharp gains in international competitiveness. Even though real gross wages started to grow again in 1997 (3.4%) and 1998 (4.4%), this increase was more than compensated for by further improvements in labour productivity.

The decrease in aggregate demand that followed the fiscal tightening resulted in slow GDP growth in 1995 and 1996, but in 1997 and 1998 GDP grew by 4.4% and 5.1%, respectively. Also, the inflation declined from 28% in 1995 to 14.3% in 1998 and is expected to drop further in 1999 (to around 9%). The official unemployment figures dropped as well, to 9% of the labour force by the end of 1998.

Similarly, Hungary made substantial progress in its economic transformation by accelerating its privatisation efforts, restructuring enterprises, and implementing financial sector and public finance reforms. The privatisation program for enterprises was virtually completed by the end of 1997. The major commercial banks were successfully privatised as well, and their governance improved. There have also been significant improvements in the legal and regulatory framework of the financial sector and in the Government's public finance management. Currently, the private sector's share of Hungary's GDP is over 80%, and it employs more than two thirds of the labour force.

The international status of Hungary also improved significantly between 1995 and 1997. The current account deficit declined from 9.4% of GDP in 1994 to 2.2% of GDP in 1997. Moreover, the strengthening of the current account was accompanied by large foreign inflows, with net foreign direct investment (FDI) reaching the extraordinary level of 10% of GDP in 1995 (US\$4 billion) and ranging between 3% to 4% of GDP in the following years. The accumulated stock of FDI amounted to US\$16 billion in late 1998 (excluding inter-company loans), the equivalent of one third of GDP. For three consecutive years, net FDI was greater than the current account deficit, and this resulted in a significant decline in net foreign debt ratios from 46% of GDP in 1994 to 24% of GDP in 1997.

A new pension scheme implemented in 1998 not only eliminates the actuarial imbalances of the public pay-as-you-go system, but also introduces a mandatory, fully funded, and privately managed pillar. Thus, Hungary has become the first country in Central Europe to introduce a multi-pillar pension system. Besides restoring the financial viability of the pension system, the pension reform is also expected to give a boost to capital market development and thus contribute to economic growth.

The current government, elected in 1998, is continuing the policies of its predecessor. There is a strong consensus that the accession to the European Union is a priority and that economic and fiscal policies must therefore be compatible with the requirements of accession. There is a continuing political support for maintaining fiscal austerity, reducing government deficits and reducing tax rates.

Of course, there are losers of the transition in Hungary. The long-term poor in Hungary comprise several distinct social groups: the homeless, the rural population particularly those living in micro-communities, the unemployed or those withdrawn from the labour market, the households with more than three children, the single parent families, the single elderly women, and the Roma. A third of the long-term poor are of Roma ethnicity, even though this group

approximately makes only 5 percent of the Hungarian population. The analysis of the labour market confirms the connection between the long-term unemployment and the long-term poverty.

The NGO sector in Hungary

At the beginning of its reconstruction in 1990, the Hungarian non-profit sector was much smaller and much weaker than that of the developed countries, but it has grown very quickly. As Eva Kuti writes in her study: "We can identify five different periods of the legal and economic regulation of NPOs (non-profit organizations) in Hungary. These are as follows:

- the period of "opening up" between 1987 and 1990
- general restrictions on the tax advantages between 1991 and 1994
- selective restrictions and preferential treatment for state-controlled NPOs in 1995-1996
- selective restrictions combined with an enlargement of indirect state support in 1997
- a "shift of paradigm" in 1998, the public benefit status becomes the single most important condition for preferential tax treatment

The "period of opening up" started in 1987 when legal provisions pertaining to foundations reappeared in the Civil Code. Two years later the Law on Association guaranteed the freedom of association, opinion and religion. It stated that every citizen and any groups or organizations of citizens had the right to create voluntary associations without any government permission or control. Further deregulation of the registration of foundations and generous tax advantages marked the most important stages in building a favourable regulatory framework for the development of civil society.

A series of restrictions were imposed on all non-profit organizations between 1991 and 1994. First the tax deductibility of in-kind donations was abolished, and then the tax laws repeatedly limited both the tax exemption of NPOs' income from unrelated business activities and the tax deductibility of individual and corporate donations to foundations.

The restrictions became more selective after the amendment of the Civil Code in 1994, which introduced (among other new non-profit forms) the public law foundation. In the next year the tax deductibility of donations to private foundations was cut again, while the first privileges for public law foundations were also introduced. Though these selective restrictions remained in force, a dramatically different tendency also appeared in 1997 when the tax law authorized taxpayers to transfer 1 percent of their personal income tax to non-

profit organizations. In the year of its introduction, the 1% designation accounted for 4 percent of the increase in non-profit revenues.

It more than doubled the number of voluntary organizations, which received support from the central budget. As a result, the system of government funding became slightly more equitable and significantly more democratic. Since 1998 the "non-profit law" has changed the very basis of the direct and indirect public support to NPOs. The registration of non-profit organizations is completed by a public benefit test and only those receiving the public benefit status are eligible for tax advantages...

To summarize the recent history of the NPOs' legal and economic regulation is a series of more or less contradictory laws and government decrees developed by different legislative and government bodies. Neither the underlying government intentions, nor the actual measures themselves are consistent. A thorough analysis of the legal debate on non-profit regulation can detect divergent political approaches, conflicting interests, different governmental efforts, and even competing expert groups in the background. However, the non-profit regulation moved in the direction of retrenchment in the 1990s though some measures (e.g. the "1 Percent Law") went against the stream. By the end of the 1990s the government has managed to develop a legal framework, which allows it to differentiate between non-profit organizations directly serving public benefit (thus eligible for public support) and all other NPOs. It remains to be seen how the system will work in practice, how interested parties will react, and how these changes will influence the overall development of the non-profit sector."

NGO Advocacy

NGOs established in the 1980s played a significant role in the political changes of 1989-1990. It was an interesting element of the transition that the participants of the National Roundtable - originally NGOs - became strong political parties in the late eighties. Also, it is fact that Hungarian NGOs were very active in the preparation for the first local elections in 1990.

After the first elections, NGOs were losing their exclusively oppositional character. They fulfilled their political goals, and they started to focus on new challenges and tasks. They developed their own answers to the needs of the society. NGOs have been very active in introducing alternative or non-existent services in different areas like social, environmental protection, culture or advocacy.

Though the NGO sector is quite large and plays an important role in Hungary's social and economic life, there is no common advocacy body of NGOs in

Hungary. Instead of this, strong advocacy groups were evolved in certain professional areas. In Hungary, special groups like environmental protection NGOs, employment, social, or cultural NGOs have developed a strong advocacy system at the national level.

Democratic and Political Rights in Hungary - Legal possibilities of public and NGOs to participate in the decision-making processes

As we see, Hungary developed the social, legal, economical and political structure of a private sector-led market economy and democracy in the last decade. Laws and regulations of democratic and political rights were changed or new ones were passed. We can find these elements in the Hungarian Constitution, in the Law of Associations, the Municipality Law and others.

Democratic and Political Rights in Hungary in the Constitution and other Laws

The most important guidelines are in the Hungarian Constitution. The most important elements of the Hungarian Constitution regarding political and democratic rights is the following:

2§: In the Hungarian Republic, the political power is the people's. People use its power indirectly (through selected representatives) and directly.

36§: During its operation, the Government cooperates with the interested NGOs.

61§: Everybody has the right to express their opinion and be informed and distributed public data.

62§: The Hungarian Republic approves the right of the peaceful demonstration and its practice.

63§: According to the association right, everybody has the right to establish or join the organizations in the Hungarian Republic that do not hurt other regulations.

64§: In the Hungarian Republic, everybody has the right alone or together with others to submit requests or compliments to the relevant public administration body.

The Hungarian Constitution includes the regulations that guarantee the political and democratic rights to the citizens: citizens can protest against state decisions in the court, there are institutions that protect the rights of citizens (civil ombudsman, Constitution Court, etc.)

¹ Eva Kuti, *NGO Stock-Taking in Hungary*, Budapest, June 2000.

Public administration experts and officials make the majority of State decisions. These state level decisions require a high level of expertise but the control of public is important at this level to ensure that the public money is used in the right way or ensure that the decisions were based on public benefit and interest and the decision makers considered interest of different groups.

It is obvious that at the local level more issues can be decided by direct democratic ways. The issues at the local level directly affect local people, local people can easily be informed about local issues and because of this, problems can be decided not only by professionals but by local citizens. The Municipality Law (1990. LXV.) contains several possibilities for local citizens and NGOs to participate in the local decision making processes:

The most important element is that meetings of local governments (city councils) are open for public. (There are a few possibilities how local city councils can decide not to hold open meetings.)

13§: Public Hearings: Local governments have to organize public hearings at least once a year. In these meetings, local citizens and NGOs can put questions to local governments.

18§: Public Forums: Local governments have to determine the frequency and operation of the public forums in their operational manual. The goals of these meetings are to inform and involve the public into important decisions of local governments.

An additional element of the direct political public participation is the referendum. Referendums can be initiated at the national and local level in Hungary. (1989. XVII. and Municipality Law.) It is either 100,000 citizens or the President of Hungary, the Government and 50 Members of Parliament that can initiate a national level referendum. At the local level only local residents can initiate a referendum. Local city councils have to develop regulations concerning the number of local citizens that is required to initiate local referendums. It cannot be less than 10% but cannot be more than 25%. The results of national and local referendums are obligatory for the state or local governments.

Public participation in the regulatory processes

At the local level, the above-described legal background ensures the participation of local citizens and NGOs in the local decision making processes. It is obvious that although the legal background is developed, well-organized NGOs and an open, democratic political atmosphere are critical for the use of these possibilities.

At the national level, the law (1987. XI., changed in 1990) allows for a broad public participation in the regulatory processes. The Law says that advocacy

group, NGOs, should be involved into the regulatory process if the regulations will affect the interests they protect and represent. Theoretically, NGOs and other advocacy groups should be involved into the development phases of all regulations before submitting them to the Government. In practice, it is usually formal; regulations are circulated in a small circle.

We can see that in Hungary the legal background of public participation is developed. It is another matter how the state, the local governments, the local citizens and NGOs use them. Very often, state and local governments keep the minimum requirements of the laws and regulation but it is also typical that local people or NGOs are not familiar with the regulations and consequently are not able to benefit from them.

Cooperation between Local Governments and NGOs

Background

We can say in general that the relationship between the local governments and the local public (citizens) is not ideal in Hungary. There are good examples, the regulatory framework is developed but we are far from the ideal. On the one hand, representatives of local governments often feel that they have received mandates and are authorized to control the communities for four years. They keep the rules and regulations formally but do not try to really involve the public into the local public life and decision-making processes. On the other hand, local people and NGOs are not very active, they are not familiar with the possibilities of public participation and they do not trust the local governments. Local governments are usually regarded as "state institutions", though the basis of the local government system is that "...local governments express and implement the local will." (Municipality Law, 2§.)

In the early nineties, few local governments developed a really "civil friendly" structure and developed the structures for the communication with the public and NGOs. By the mid-nineties, cooperation between local governments and NGOs became more important. Local governments received more tasks (decentralization) but not the sources necessary to carry out their responsibilities. It was necessary to cooperate with for-profit organizations and NGOs and involve them into providing public services. In many communities, local governments developed long term strategies, though through their operation, and have tried to rationalize it.

NGOs became one of the obvious partners of local governments, and more and more local governments contracted out public services and worked with NGOs.

This trend also contributed to the fact that public participation has appeared on the political agenda. A few interesting data about the local government NGO cooperation:

- In 1998 71% of local governments had some relationship with local NGOs
- 11% of them had contract with NGOs on public services
- 36% of local governments established local foundation
- 2/3 of them supported NGOs with 6.2 billion HUF (1USD = 275 HUF)
- 636 local governments provided in-kind support to NGOs

The most common co-operation fields between NGOs and local governments were:

- Social services
- Education programmes
- Sport services
- Environmental protection
- Cultural services

These data show that local governments recognized the benefit of cooperation with NGOs at the local level and slowly they have developed partnership with them.

Role of NGOs in the local decision making processes

We started the study saying that NGOs are the basis of democracy. The most important feature of democracy is how the possibilities for public participation are provided in a society. It is crucial how NGOs can participate in local public life, how they express the needs of local people and how they contribute to the operation of local communities. In the society, NGOs are between the state and the families (individuals) but express the needs and interests of the individuals.

The role of NGOs is important due to several reasons. Through them, the public can be involved into the local and national decision making processes, they can provide the civil control of the public administration as well as the distribution of resources. NGOs can share the tasks with the State and local governments in the field of public services. NGOs forward the requirements of the society to the State or local governments; NGOs can be the body of the advocacy activities, cooperation and making consensus. The power of NGOs stems from their social legitimacy and competency.

We mentioned that more and more local governments realize the benefits of the cooperation with NGOs and more and more local governments develop the structure of the public participation. On the one hand it is because of the financial situation but on the other it is because local governments have realized

that the involvement of NGOs and the public in the public life and local decisions strengthens their own legitimacy. Also, they realized that if they provide more possibilities for the public to participate in the decision-making processes, their decisions are well-approved by the local communities and the implementation of the decisions requires shorter time.

Of course, there are cases when local governments are not willing to involve the public or cooperate with NGOs. What can local people or NGOs do in such cases? There are several tools of the "pressure". Here is the list of the most important ones:

- Local publicity - using media to express local opinions and needs
- Participate in local city council meetings and committee meetings
- Invite local city council members to interpret public opinion to the council (lobbying)
- Participation in the organization of local government actions
- Express special problems in public forums, hearings or debates
- Invite experts to participate in the development of professional studies and materials that can be used in local governments' decisions
- Advocacy
- Initiate local referendums
- Legal steps.

FDDR's "Local Government in Partnership with Civil Society" Program

Goals and professional areas of the program

Realizing the importance of the topic, the Foundation for Development of Democratic Rights (FDDR) launched a program in 1997 named "Local Government in Partnership with Civil Society Program". The goals of the program were to establish the civil friendly social institution system in the field of the local administration and public services and to develop the cooperation between the local governments and the NGOs. Also to establish and develop such operation models, and to explore and spread the existing models which make the local level decision-making and the public services better, more efficient and more democratic.

What is the "civil friendly local government"? Those local governments which are service-oriented in relation to their citizens, and which support the NGOs during their operation, help their establishment, acknowledge their autonomy, improve

their operation conditions, strive to involve them in the decision-making and stimulate their public service activity.

FDDR helped the implementation of the program with several methods. The FDDR supported the development of the local public services and the strengthening of the democratic processes of the local decision making through its training program. The bulk of the training programs took place in the countryside. Our professional development programs provided experts for the local governments and the NGOs, organized and prepared cooperation, and gave small grants through its grant program. The development fields of the local government in partnership with civil society program were:

- Developing the establishment and the strengthening of the NGOs in the field of democracy, social services, economic development and environmental protection
- Developing the fundraising strategies and the subsistence ability of the non-profit organizations
- Developing the advocacy opportunities and supporting the advocacy activities
- Supporting the co-operation among the non-profit, the business and the local government sector
- Improving the public knowledge on the non-profit sector
- Having influence on the local administration decisions touching the non-profit sector and on the national legislation
- Supporting the civil public politics

The program helped the local governments and the NGOs in the following fields:

- Elaborating local government strategies for the reorganization of the public services, the establishment of a civil referent service, the development of the cooperation with the NGOs
- Co-operation training to promote the regional collaboration
- Establishing local co-operation networks
- Meetings on the co-operation between the NGOs and the local governments
- Establishing contact with the national and local advocacy representatives, improving the efficiency
- Providing legal and financial consultation
- Developing an efficient grant and monitoring system
- Disseminating fundraising knowledge
- Enlarging the strategic and project planning knowledge
- Developing community economic development methods
- Disseminating proposal writing knowledge

- Training on the role of the NGOs in the social sector and in the local employment policy
- Publishing a handbook on how to make contracts in June 1998

The Pecs Example

In order to strengthen the participation of NGOs in local public policy making, FDDR established some new incubator houses and improved the existing ones to improve the technical infrastructure of NGOs and provide them with office space, technical assistance, coordination assistance, and networking opportunities. Incubator houses were established in large or medium-sized communities where developed NGOs were active and local governments were open to cooperation with them.

Incubator houses serve local NGOs and support them with advisory services, give them technical assistance, and ensure effective cooperation between local governments and NGOs. The activities that help to achieve these goals are various. Incubator houses work closely with local governments to develop or improve cooperative models. These can be different, for example create a civil ombudsman position within the municipal administration or establish a civil society roundtable where NGO representatives can participate in the local and/or regional decision making process through the exchange of experiences and opinion.

The House of Civil Communities, Pecs was the first project of the program. The House of Civil Communities is a civil incubator house with its main objective being the development of various services. It organized a Civil Workshop and a Non-profit Club to develop the professional skills of the sector. The main activity of the incubator house has been to facilitate the cooperation between the local government and NGO sectors. The House has succeeded in establishing a forum for cooperation in the city of Pecs, which allows local NGOs to take part in the local decision-making monitoring process.

The city government has provided a beautiful building in the heart of Pecs for the incubator house and provides 1.5 million HUF (about \$6,500 USD) a year in support. The Communities House has been a major influence in the city by providing a forum for a continuous discourse between the local government and the NGOs.

The Civil Communities House offers basic training programs to NGOs, technical assistance and advice for organizations, as well as a five-room meeting space for approximately 60 non-profit organizations. FDDR support was significant in helping to quickly launch the incubator house and critical in creating its high

capacity from the beginning. The relationship between the NGO sector and the local government has blossomed as a result of the House's establishment. (Pecs was awarded UNESCO's Peace Award in 1998, accompanied by a prize of \$20,000 USD, which the local government decided to donate to the Civil Communities House to further expand services.)

Pecs's city council made a decision in the fall of 1998 to establish a more structured relationship with local NGOs. The House for Civil Communities worked out the details of the proposal at the request of the local government, and as a result of its acceptance, a Civil Roundtable was established to advocate civil interests. Also the local government introduced a new post, that of a civil officer. The Roundtable was established by the local NGOs and became a legitimate partner of the local government in civil issues.

The local government evaluates the structure and the cooperation annually and publicly. Local government provides the possibility (once a month, 1 page in the newspaper of the local government) for the local NGOs to present their activities to the public.

The Bekescsaba Example

A four-tiered Local Reconciliation Forum has operated in Bekescsaba since 1991, with the aim of representing the interests of all sectors. In order to enhance the participation of the non-profit sector, the city government decided to support the opening of a Civil Information Office. FDDR's grant announcement in support of the incubator houses greatly motivated the city to actively pursue the plan. The goal of the city in opening the centre was to create a well-functioning forum for local NGOs to professionally represent public opinion in the government's decisions.

The city intended the centre to provide four primary services: information services, advisory services, training programs and education, and technical infrastructure for local non-profit organizations. The government's plan was strongly supported by the local NGOs.

The Civil Information Centre was opened on 29 June 1998. The city government provided the space for the centre in the city cultural centre. 35-45 organizations use the Centre's services, with enough room for 15 of these to establish residence. The Centre has an important role in the local advocacy work: it operates the Civil Forum that is the body of public participation and part of the above mentioned Local Reconciliation Forum. The NGOs and local citizens have an opportunity to be informed about the local government decisions, the possibility to express their opinions. Also the forums enable the local government to inform the public about local issues and ask their opinion.

An additional element is that since the inception of the program, the city annually grants 15 to 16 million HUF to local NGOs a year. This amount increases 10-12% annually, and approximately 75% of the applications for support are approved. The city maintains the philosophy that all NGOs should receive some kind of support.

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Istrian County: Legal and Practical Framework of the Participation of Citizens in Local and Regional Self-Government

In this text, the participation of citizens¹ in local, and, regional self-government shall be considered as those activities of the citizens that fulfil the following conditions:

- That it is directed towards the authorities which carry out activities within the framework of its local, and, regional self-government capacity,
- That it can have as a consequence changes in the activities of local and regional authorities,
- That it is, in principle, carried out between two elections for local or regional representative bodies.

As opposed to the participation of citizens in the work of bodies to which they are elected or appointed (which is considered as internal activities²), here an explanation about the external influence of citizens on the work of local or regional self-government will be given.

Political background of the Istrian county 1990-2001

The Istrian County is the westernmost Croatian county with the population³ of 204,346 of which 55%⁴ are Croats, 18% Istrians, 7% Italians, and 20% members of other ethnic or national communities or minorities (5% Serbs, 4% Yugoslavs, 3% Muslims, 3% undeclared, 2% unknown national affiliation, 1% Slovenes 1% Albanians, 1% Montenegrins and in percentages between 0.01 and 0.5% Austrians, Bulgarians, Czechs, Hungarians, Macedonians, Germans, Poles,

Roma, Romanians, Russians, Ruthenians, Slovaks, Turks, Ukrainians, Jews, and others).

From the first elections for the Istrian County Assembly (1993) a significant majority in this representative body was gained by the Istrian Democratic Assembly (IDA) in the 1993 elections when the IDA won 34 of 40 mandates while in 1997 it won 26 of 40 mandates followed by the 2001 elections in which they won 28 of 41 mandates⁵.

The following excerpts from general documents⁶ outlining IDA's program, passed in 1991 and amended in 1994, offer incentives for the participation of citizens in local and regional self-government. The IDA promotes the principle of citizen sovereignty as this ensures the preservation of good relations and tolerance among all ethnic groups that live in Istria. National discrimination of citizens is considered to be an anachronism from the standpoint of the organisation and functioning of contemporary civilised society. The IDA rejects all forms of centralisation (Istria included). The IDA advocates a balanced development within the region, and for this reason it champions the decentralisation of regional administration. IDA's politics is based on human rights. The freedom of the individual... is the basis of every modern state and as such above every discretionary right of the state over the individual.

The IDA will try (in the parts of its politics dedicated to mass-media) to ensure that the mass media provide diversity... of information, which enables every individual to check for accuracy of facts and an objective assessment of events. Journalists have to have the right to freedom of reporting and access to information, while the media needs to show an understanding for everything that affects individuals. The IDA asks that the internal structure of the states... be compatible with western European countries and be based on regionalism... so that the citizens of Istria may independently decide on internal affairs of the region through the regional parliament.

The IDA considers that the following is essential for the development of the Republic of Croatia: 1. Building a regional system that will enrich democracy, 2. Leaving a significant portion of authority and state property to the regions thus enabling its own citizens to participate in the process of democratic decision-making.

¹ Pusić, E., *Nauka o upravi*, Školska knjiga, Zagreb, 1993, p. 112. The author states that the participation of citizens in the activities of administrative organisations is "the form of political supervision of the administration". According to Wirth (*Control in Public Administration: Plurality, Selectivity and Redundancy*, 1986), the goals of the participation of citizens are: "avoidance or correction of shortcomings, mistakes or abuse in the application of bureaucratic power or discretionary estimations; and second, the achieving and maintaining of successful activities in relation to needs, requests and the problems of citizens".

² Pusić, E., op. cit., p. 112.

³ Državni zavod za statistiku, *Statistički ljetopis hrvatskih županija*, Zagreb, 1994, p. 78 and 79.

⁴ All the percentages are rounded off.

⁵ Izborna komisija Republike Hrvatske, *Informacija o rezultatima izbora članova predstavničkih tijela jedinica lokalne samouprave*, Zagreb, 1993; Izorno povjerenstvo Republike Hrvatske, *Informacija o službenim rezultatima izbora članova županijskih skupština i Gradske skupštine Grada Zagreba*, Zagreb, 1997; Državno izborno povjerenstvo Republike Hrvatske, *Informacija o rezultatima izbora članova općinskih i gradskih vijeća Gradske skupštine Grada Zagreba i županijskih skupština*, Zagreb, 2001.

⁶ Sabor IDS-a, *Programska deklaracija IDS-a*, 1991; Sabor IDS-a, *Deklaracija o demokratizaciji Republike Hrvatske, Deklaracija o regionalnom ustrojstvu Republike Hrvatske, Deklaracija o Autonomnoj županiji istarskoj, Deklaracija o Euroregiji Istri*, 1994.

The seat of the Istrian County is regulated by a referendum. The Istrian County may, by special law on the basis of a referendum, change the area, the names of the municipalities and the cities as well as the seat of the county.

At the national level, the IDA was - up until the last Croatian Parliamentary elections January 3, 2000 - an opposition party which brought into "question Tudjman's centralized concept of the state and his dual approach of wishing to make Bosnia as decentralized as possible while keeping Croatia as centralized as possible".

Gaining entry into the Government after the last Parliamentary elections as a member of the governing coalition, the IDA was represented in the Government up until June 1, 2001 when it quit the Government. One of the reasons for the withdrawal of the IDA from the Government was the Croatian Government's request to the Constitutional Court⁷ "for initiating a procedure on the estimation of congruence of the Statute of the Istrian County" with the Croatian Constitution and laws by which it attempted to challenge 13 stipulations of the Statute of the Istrian County. According to the statements by its leaders, the IDA is still, for now, pro-government, though it is a non-governmental parliamentary party.

Level of decentralisation as a possible factor of importance for participation of citizens in local and regional self-government

According to the Rokkan-Urwin scale¹⁰ in which the goals of the periphery in relation to the centre are arranged from the first level - which is the status of individual regions without a special cultural identity - up to the eighth level which is marked by separatism/irredentism of individual regions, the current position of all the counties in Croatia except for the Istrian one, may be depicted by the first two levels which means that:

- individual counties are without a special cultural identity and are entirely

⁷ International Commission on the Balkans, *Unfinished Peace: Report of the International Commission on the Balkans*, Carnegie Endowment for International Peace, Washington, D.C., 1996, p. 105.

⁸ "Zahtjev za pokretanje postupka za ocjenu suglasnosti Statuta Istarske županije sa Ustavom Republike Hrvatske, Ustavnim zakonom o ljudskim pravima i slobodama i o pravima etničkih ili nacionalnih zajednica ili manjina u Republici Hrvatskoj, Zakonom o lokalnoj samoupravi, Zakonom o sustavu državne uprave, Zakonom o uporabi jezika i pisma nacionalne manjine u Republici Hrvatskoj, te Zakonom o odgoju i obrazovanju na jeziku i pismu nacionalnih manjina", from 22 May 2001.

⁹ I.e. In the weekly *Globus* of 24 August 2001, p. 8.

¹⁰ This scale is presented in the following article: Katunarić, V., "Centar, periferija i regionalizam: tvrdja europska postmoderna", *Društvena istraživanja*, 1/1992.

integrated into the state that individual counties aspire to preserve their cultural identity, which is proved by the creation of cultural organizations. In Croatia, only in the Istrian county can we see the manifestation of aspirations for elements from the third, fourth and fifth level of the goals of the "Istrian periphery" in relation to the centre, which include:

- Peripheral protest by which a party on the periphery with great electorate support directs requests towards the central political system
- Regionalism as a political aspiration for preserving regional cultural features with a stable party that competes only in local and regional elections
- Autonomy of the region in which the party with strong electoral support competes in the national elections and requests an autonomous status for its region, which is different from the status of other parts of the state.

In which kind of relation can the levels and types of aspirations for regional independence be regarding the participation of citizens in decision-making? Denis de Rougemont describes this relation as follows: "An ethnic or linguistic motive served here and there as a detonator, often in the technical sense of that expression. Economic motives have shown to be effective and necessary everywhere, but nowhere sufficient or long-lasting. It means, therefore, that the need for a new community, structured through and for the participation of citizens, has been discovered to be the most serious, the deepest and the more general motive in the creation of a regions"¹¹.

"Participation democracy", which is mentioned here, may, according to the sources from available literature include¹²:

- Different written initiatives of individuals or interest's groups towards representative and executive bodies
- Referenda on different levels of the structure of the community
- Participation of individuals or interest groups in public discussions, debates in the assembly or advisory committees
- Other consultative procedures such as open meetings, public opinion researches or inclusion of private subjects or media in the process of decision-making
- Decentralisation of capacities.

By undertaking between 1979 and 1981 a series of researches about the participation of citizens, their wealth of information and communication, the Council of Europe was especially concerned with¹³ government publicity, other forms of relationship with the public and the media, voluntary and interest participation of citizens in political parties, local referendums and territorial sub-

¹¹ Rougemont, D., *Budućnost je naša stvar*, Književne novine, Beograd, 1989, p. 295.

¹² Norton, A., *International Handbook of Local and Regional Government. A Comparative Analysis of Advanced Democracies*, Edward Elgar, Hants, 1993, p. 105.

¹³ Norton, A., op. cit., p. 108.

units of authorities, special attention to measures for uninformed groups, information and communication in urban planning, methods of consulting citizens and the decentralisation of government.

Following the final item of the aforementioned methods, that is, procedures through which "participation democracy" is realised, the Croatian Government decided to move towards decentralisation, by which the following points could be of importance for the participation of citizens in local and regional self-government¹⁵:

- transferring power of central government bodies to lower levels
- defining local capacities and implementation of the principle of subsidiary
- substantial increase of financial capacity of all bodies of the local self-government
- reform of territorial organization of the country, which includes linking 21 counties into greater entities - regions
- decreasing the number of municipalities (currently there are more than 400) and cities (presently there are more than 70).

Participation of citizens in local and regional self-government: constitutional and legal framework

The framework of international law

The House of Representatives¹⁵ of the Parliament of the Republic of Croatia passed a Law on the Confirmation of the European Charter of Local Self-government¹⁶ on September 12, 1997. In its introductory part it is emphasised that member states of the Council of Europe, signatory countries of this Charter, consider that "the right of citizens to participate in the conduct of public affairs is one of the democratic principles that are shared by all member States of the Council of Europe" and are convinced that it is "at the local level that this right can be most directly exercised".

Article 3, paragraph 2 of the aforementioned Charter emphasises that "this right and ability of local authorities, within the limits of the law, to regulate and manage a substantial share of public affairs under their own responsibility and in the interest of the local population, important parts of public affairs" (as local self-government is defined in paragraph 1 of this same article) shall be exercised

by representative and executive bodies, but this regulation "shall in no way affect recourse to assemblies of citizens, referendums or any other form of direct citizen participation where it is permitted by the Statute".

Croatia, however, did not ratify this part of the Charter which would enable dynamic and continuous changes to the legislation by which one could question and change public capacity so that they could optimally become closer to citizens: "public responsibilities shall generally be exercised, in preference, by those authorities which are closest to the citizens" (Article 4 paragraph 3 of the Charter).

However, protection of the local borders of local units was adopted and regulated by Article 5 of the Charter: "changes of local authority boundaries shall not be without prior consultation of the local communities concerned, possibly by means of a referendum where this is permitted by statute".

Constitutional framework

The basis which gives the constitutional, that is the highest political-legal "consent" for participation of citizens in the government, may be found in the fundamental stipulations (Article 1) of the Croatian Constitution¹⁷: "Power in the Republic of Croatia derives from the people and belongs to the people as a community of free and equal citizens."

Even though this constitutional stipulation may be interpreted narrowly only as a confirmation of the type of sovereignty on which the Croatian state is based, the notion of "government" may be also extended to the lower levels.

That this extensive interpretation is allowed is confirmed by the fact that the norm from paragraph 2 of the same Article of the Constitution, that "people shall exercise this power through the election of representatives and through direct decision-making" is extended in the special chapter of the Constitution which treats lower levels of the government (Chapter 6: Sub-local, local and regional self-government)¹⁸.

And so "the right to self-government is realised through local, that is regional, representative bodies which are constituted from members elected during free and non-public elections on the basis of direct, equal and general right to vote. Citizens may directly participate in the management of local affairs by means of meetings, referendums and other forms of direct decision-making in accordance with the law and Statute".

¹⁵ *Narodne novine*, no. 41/2001.

¹⁶ The Constitution assumes four levels of government lower than the central level: the first level is lower than the local level, the second level is the local level while the third level of decision-making is between the local and regional government with the fourth level being the regional government. However, as the corresponding terminology does not exist in the English language, the terms of regional self-government will be used for the last two levels.

¹⁵ Vlada Republike Hrvatske, Program rada Vlade Republike Hrvatske za razdoblje 2000.-2004., *Izješća Hrvatskog sabora*, no. 258, 2000, p. 26.

¹⁶ Following the constitutional amendments of April 2001, the Croatian parliament was reduced to one chamber and changed its name into the Croatian Parliament.

¹⁷ *Narodne novine*, Međunarodni ugovori, no. 14/1997.

According to Article 4 of the Constitution, "in the Republic of Croatia government shall be organized on the principle of the separation of powers into the legislative, executive and judicial branches and is limited by the constitutionally guaranteed right to local and regional self-government." The Croatian Constitution literally guarantees this aforementioned right in Article 132.

In the same way Article 44 of the Constitution stipulating that "every citizen of the Republic of Croatia shall have the right, under equal conditions, to take part in the carrying out of public affairs and to be hired in public services" may be applied to the lower levels.

If, as has been mentioned in the introduction of this text, the participation of citizens in the government does not only consider their engagement (when they use their active or passive right to vote, deciding on the holders of public offices or services, or when they run for those positions), then a certain type of interactive participation in the government may also be considered as a constitutional norm from Article 46 which states that "everyone has the right to send submissions and complaints, submit suggestions to the state and other public bodies and receive answers for them".

As participation of citizens in the government can be realised only by the availability of at least some rules for the citizens, Article 89 of the Croatian Constitution stipulates that "before laws and other regulations of the state bodies enter into effect they are published in "Narodne Novine", the official gazette of the Republic of Croatia. Regulations of bodies which have public authority shall be published in the available manner in accordance with the law before entering into effect."

The participation of citizens in the government is encouraged and guaranteed by the Croatian Constitution in one more way, namely, by Article 92 where "the ombudsman is the authorised person of the Croatian parliament who protects the constitutional and legal rights of the citizens in the procedure before the state administration and bodies which have public authority. Within the framework of the institution of the ombudsman, the protection of the constitutional and legal rights of the citizens in the procedures which are carried out in the Ministry of Defence, armed forces and security services, the protection of rights of the citizens before the bodies of local and regional self-government and the protection of the right for local and regional self-government before the bodies of the state government shall be ensured."

Finally, according to Article 128 of the Constitution, the Constitutional Court of the Republic of Croatia, among others "decides on the occasion of constitutional appeals against individual decisions of state bodies, bodies of local and regional

self-government units and legal persons with public authority when these decisions violate human rights and basic freedoms, as well as the right to local and regional self-government which is guaranteed by the Constitution of the Republic of Croatia."

According to Article 133 of the Constitution, units of local self-government are municipalities and cities, and units of regional self-government are counties. By law, larger cities in the Republic of Croatia may be given authority as that of a county. Forms of sub-local self-government may be established in settlements or in parts of these settlements.

According to Article 134 of the Constitution, the law regulates activities of local and regional scope of activities. During the assigning of these activities, priority will be given to those bodies that are closest to the citizens.

Legal framework

The participation of citizens in sub-local, local, regional self-government in the text of the Law on Local and Regional Self-government¹⁹ according to the sequence of articles - is first mentioned in Article 7 of this Law, where mention is made that "in every change of the area of the local and regional self-government unit the opinion of inhabitants of that unit will be requested in advance."

A municipality, city or county has its Statute, which regulates - among other things - according to Article 8 of this Law, "forms of consultations with citizens".

A referendum, which may be called - according to the Law (Article 24) - only for questions from the scope of activities of the representative body, is called at the proposal of one third of its members, at the proposal of the executive board, and in the municipality and city at the proposal of half of the sub-local committees, and at the proposal of 20% of the electorate registered on the electoral roll.

The municipal, that is, city council may also request the opinion from the sub-local citizens' meeting - again only for questions from the scope of activities of these representative bodies.

According to Article 25 of the Law "citizens have the right to propose to the representative body passing a certain act or resolving a certain question from its scope of activities". Regarding this proposal, "the representative body shall discuss if this proposal is supported by at least ten percent of the electorate registered on the voters list of the municipality or the city or the county and to respond to the submitters at the latest within three month of receiving the proposal".

Based on Article 26 of the Law "bodies of the local and regional self-government units are obliged to allow citizens and legal persons the filing of submissions and

¹⁹ Narodne novine, no. 33/2001.

complaints on its work, as well as on the work of their governmental bodies and on the irregular relation of employees in these bodies when they turn to them for fulfilment of their rights and interests or realisation of their civil duties. Regarding the filed submissions and complaints the head of the body of the local self-government unit, that is, the governmental bodies of these units, is obligated to respond to the citizens and legal persons within a period of 30 days from the day of filing the submission or complaint". In addition, the bodies of local and regional self-government units "are obliged to ensure the needed technical and other means for the filing of submissions and complaints (book of complaints or similar) in visible places in official premises and enable oral statements of the petition and complaint."

The Law on Referendum and Other Forms of Individual Participation in Carrying Out of State Government and Local Self-government³⁰ differentiates two types of referendum as a form of direct decision-making of the electorate:

- State referendum in the exercise of state government regarding the questions defined by the Constitution, and
- Local referendum regarding the questions from self-governmental scope of activities of counties, cities and municipalities as defined by law and the Statute.

The Law also regulates other forms of direct decision-making and declarations by the electorate in the exercise of state government and local self-government: advisory referendum, sub-local citizens' meetings and petitions of citizens.

The local referendum may be called by the representative body of the local and regional self-government unit under conditions regulated by the Law on Local and Regional Self-government and by the Statute regarding the question from its own self-governmental scope of activities about which the representative body has the right to pass decisions.

Voters who have permanent residence in the local or regional self-government units have the right to participate in the local referendum, and in the same way voters who have permanent residence in the area in which certain forms of personal decision-making and declarations are carried out have the right to participate in the advisory referendum, local citizens' meetings and in the filing of petitions³¹.

At the local (regional) as well as on state referendums, decisions are passed by the majority of the electorate who voted, under the condition that a majority of the entire number of the electorate registered on the voting list voted in the

referendum, while on the advisory referendum the decision is passed by the majority of votes regardless of how many voters actually took part in the referendum.

A decision passed at the referendum is binding in the sense that the responsible body of the local or regional self-government does not have the right to pass a legal act or decision which is by its content opposite to the decision passed at the referendum before the expiry of one year from the day of the referendum, and it cannot call another referendum about the same question or questions, before the expiry of six months from the day of the referendum.

Resources for the reimbursement of costs for organizing a state and advisory referendum are provided from the state budget, and resources for organizing local or regional referendums and sub-local citizens' meetings are provided by the unit of local or regional self-government in which the referendum is called.

The Government of the Republic of Croatia may call an advisory referendum for the area of one or more local self-government or regional self-government units in order to probe the opinions of the inhabitants of this area about the local structure of local or regional self-government units, but the result of this referendum is not obligatory.

Sub-local citizens' meetings are called for the polling of citizens about certain questions of local importance, discussing the needs and interests of citizens and giving proposals for resolving questions of local importance. However, a decision passed at the sub-local citizens' meeting is obligatory for the sub-local committee, or the committee of the city quarter, but is not obligatory for the representative body of the municipality or the city.

Decisions are passed at the sub-local citizens' meetings by public voting, except if a decision about non-public declaration has been passed at the meeting.

Citizens may file petitions to the bodies of local or regional self-government units, that is, the bodies of the state government. Petitions must be signed and must contain the names and surnames of the signatories and their ID numbers. The body of the state government, the body of the local or regional self-government is obliged to respond to the citizens who have filed a petition within reasonable time. Citizen petitions do not oblige the body to which they have been submitted.

³⁰ *Narodne novine*, no. 33/96.

³¹ The Croatian Law in direct decision-making at the local level excludes citizens who do not have permanent residence in the area which the direct decision-making refers to, and who have a vacation home or land and similar. However, all Croatian citizens can turn out for the State referendum whether or not they are permanent residents in Croatia.

Participation of citizens in regional self-government in the Istrian county

Statutory basis for the participation of citizens in regional self-government in the Istrian County

Already in the preamble of the Statute of the Istrian County²² we find that "Istria is a multiethnic, multicultural and multilingual community which recognises and protects the freedom of expression by citizens and which safeguards the dignity of the individual," and "an area where every citizen or community enjoys the full right of expression, respect, insurance and development of social, ethnic, religious, cultural, political and linguistic freedoms and self-awareness." In the same place it is pointed out how Istria is "an area in which citizens who belong to different social, ethnic, and religious communities have the right to participate in regional and local activities."

Article 11 of the Statute of the Istrian County prescribes that the County may "in the procedure for preparing and passing regulations at the level of the Republic of Croatia, give initiatives, opinions and suggestions to authorised bodies" while later on Acts 15 and 19 of the Statute open up the possibility for citizens to participate in this in such a way that "the Istrian County encourages the effective participation of citizens in the creation of regulations which are of general interest and it guarantees the right of participation to all interested subjects".

No less important is the following provision from Article 15 of the Statute: "The Istrian County has principles of decentralisation and subsidiarity, the simplicity of procedure and openness to the public as a matter of principle in its structure." For this reason Article 20 proscribes that "the seat of all administrative departments, divisions, and services is determined by regulations set out by the County Assembly which guarantees the representation of cities and municipalities in the area of the Istrian County". In this way 5 out of 10 county departments are located in Pula (the largest Istrian city with a population of 62,690²³), 2 are in Poreč (a city with a population of 14,705), 1 is in Rovinj (population 13,947), 1 is in Labin (population 12,974) and 1 is in Pazin (population 8,858).

Article 48 of the Statute prescribes that "Assembly members, the County Executive Board, working bodies of the Assembly, city and district councils and their Executive Boards and voters totalling no less than one thousand have the right to suggest acts which are passed by the Assembly."

According to Article 49 of the Statute "the passing, repealing or partial repealing

of regulations from the self-government scope of activities of the Istrian County is subject to a referendum, if this is requested by at least five thousand voters or one half of the municipality councils and city councils of the county."

According to Article 65 of our Statute "the president of the county is obliged to receive for a meeting every citizen who resides in the county within a period of 60 days from the day this request was submitted", while "a member of the County Executive Board for the area of his/her jurisdiction is obliged to receive for a meeting every citizen who resides in the Istrian County within a period of 30 days".

According to Article 76 of the Statute "in the procedure prior to passing individual decisions which are passed by the Assembly, a public discussion can be carried out for the same. The County Executive Board forms the proposal of the Decision on directing it for a public discussion, while the public discussion itself is carried out by the competent department, in cooperation with other departments in the municipalities and cities of the Istrian County. The results of the public discussion are contained in a report, which is put together by the competent administrative department, and this report forms a part of the proposal for the decision, which is delivered to the County Executive Board and the Assembly. The public discussion as a rule lasts 15 days, while objections and comments on the proposal for the decision are delivered to the competent department of the municipality or city within a period of 30 days from the start of the public discussion. An announcement on the start of the public discussion shall be published in print, broadcast on radio and TV stations".

Article 89 of the Statute prescribes that "the administrative departments in the carrying out of general acts from Article 76 of this Statute pass individual acts by which they resolve the issues of rights, duties and legal interests of physical and legal entities. Complaints and court protection are guaranteed against individual acts from item 1 of this Article".

Participation of citizens who use a minority language in the regional self-government in the Istrian County

In order to enable direct participation in public affairs to members of the most representative Istrian national minority - the Italians - Article 6 of the Statute of the Istrian County prescribes, "In the Istrian County the Croatian language and the Italian language are equal." Furthermore, Article 22 states "the Istrian County guards against every activity which may endanger the multicultural and multiethnic character of Istria", while Article 23 goes on to state that "the Istrian County acknowledges 'Istrian-ness' as an expression of regional affiliation to Istrian multiethnicity".

²² *Službene novine Istarske županije*, no. 2/2001.

²³ Državni zavod za statistiku, *Statistički ljetopis hrvatskih županija*, Zagreb, 1994, p. 408.

Article 24 more precisely states that "In the Istrian County the equal official use of the Croatian and Italian language is realised through: 1. In the work of all bodies of the County, 2. in the procedure before administrative bodies. Bodies from paragraph 1 of this Article will enable the use and will acknowledge the validity of private legal documents even when they are written in Italian."

In addition to this, according to Article 27 of the Statute of the Istrian County, "Members of the Italian national community are guaranteed the right to public use of their language and script, the right to retain their national and cultural identity and for this purpose they may found cultural and other associations which are autonomous, the right to the freedom of organising informative and publishing activities, the right to education and to primary, secondary and university education in their own language according to special programs which appropriately contain their history, culture and science and the right to expressing their national characteristics".

"For the realisation of equality between the Croatian and Italian language, the County employs a suitable number of personnel who equally use the Croatian and Italian language", stipulates Article 28 of the Statute.

In order to institutionally protect the rights of Italian minorities, Article 31 of the Statute says that "with regards to questions from the self-government scope of activities of the County and which are of special interest to members of the Italian national community, it is guaranteed that there is a right to a consensus by the Commission for Problems and the Protection of the Rights of the Autochthonous Italian National Community, as a permanent working body in the Assembly".

And finally, Article 47 of the Statute prescribes, "acts passed by the Assembly are published in the Official papers of the Istrian County in both the Croatian and the Italian language".

A part of the aforementioned provisions, especially Articles 6 and 31, are being challenged by the Croatian Government which has lodged a request with the Constitutional Court "for initiating a procedure for establishing concurrence of the Statute of the Istrian County" with the Constitution and Laws, but in addition to the legal basis on which it is defending its Statute, the Istrian County's everyday practice works in its favour, the practice which includes both administrative and linguistic aspects, and whose practice the Assembly of the Istrian County has been trying to legalise²⁴ in its second attempt.

²⁴ The Statute of the Istrian County adopted on 30 October 1994 was the subject of a request by the Government of the Republic of Croatia (dated 14 April 1994) to the Constitutional Court for an evaluation of the concurrence of 36 articles of the Statute with the Constitution of the Republic of Croatia and with its Laws. Passing its decision on 2 February 1995, the Constitutional Court repealed 18 articles of the Statute of the Istrian County and rejected the request made by the Government of the Republic of Croatia for another 18 articles.

Practical basis for participation of citizens in regional self-government in the Istrian county

On 24 November 1997 the County Executive Board of the Istrian County adopted the Conclusion on the Acceptance of the Form of Participation of Citizens in the Activities of the Local Community, and thereby recommended this document to all municipalities and cities in the Istrian County. At the same time, it set out for individual administrative departments or entrusted them to allot certain period of time during their working hours when they would receive citizens, dispense with legal advice and necessary information and provide the needed information about their divisions' activities.

In the introduction to the text "Forms of Participation of Citizens in the Activities of Local Communities" it states that the participation of citizens in the activities of the local administration and self-government is a desirable value in political culture in the Istrian County. Further on it states how it is necessary to establish various forms of citizen participation in the activities of the local community, including:

- civil initiatives, above all petitions (for which, they consider there is a legal vacuum in the Istrian County regarding determining the conditions for their initiation, and also concerning determining the conditions for representing of the signatories of the petitions from their own ranks)
- a referendum
- informative activities via local media
- centres for citizen questions (envisioned as an agency within the representative bodies of local and regional government, and which would, at a certain time, offer legal advice and inform citizens on the decisions by the representative bodies)
- observation and participation in the work of representative bodies (which could hold their sessions in the locations which their decisions concern)
- a multicentric structure of administrative bodies (thanks to communications technology this is possible today in many systems and at all levels).

Following this (20 June 2000) the County Executive Board adopted the Conclusion on the Initiation of the Project of the Introduction of the Integrated System of Managing Quality according to the demands of international standards ISO 9001:2000 and ISO 14001:1996. This was followed by the choosing of a consultancy firm which gives expert services in the field of norms in managing quality (ISO 9000) and for the protection of the environment (ISO 14001) and by the formation of a working team for coordinating all the activities: from the initiation of the standards to the receipt of the certificate.

After this (up to October 2000) the Handbook on the System of Management in line with the demands of ISO 9001:2000 and ISO 14001:1996 was prepared according to which "the application and improvement of an integrated system in administration in line with valid international norms ISO 9001:2000 and ISO 14001:1996 is the result of the efforts of the County to meet the demands of citizens and other interested parties more fully". It was designed for Istrian County officials (such as the president of the county, deputy county president, secretary of the Expert Services of the Assembly and County Executive Board, and about 10 or so heads of administrative departments). A Certificate²⁵ on the Introduction and Implementation of the International Standard ISO:2000 was awarded on April 26, 2001 to the Istrian County in the field of regional self-governing administration on the part of SGS International Certification Services AG from Zurich and this certificate is valid for 3 years.

With regards to the participation of citizens in regional self-government, in the aforementioned Handbook a description of the policy of quality to which the Istrian County aspires the following is emphasized: "In the realisation of our mission we will be communicative and open towards all initiatives of citizens, political parties, institutions, economic and other subjects, associations..."

For this reason among the basic managing principles in the Istrian County the following are mentioned:

- Focus on citizens: full awareness that the County depends on its citizens and other interested parties, and for this reason it must understand their current and future needs, to meet or even more than meet their demands,
- Commitment to constant improvement: permanent efforts to increase the effectiveness and efficiency of processes as well as to improve employees' existing skills and knowledge and obtain the new skills and knowledge,
- Openness of activities and stimulation of the public to participate in the planning and implementation of activities.

In the creation of its policies and programs regarding citizens, the Istrian County respects the following explicit and implicit requests for:

- Balanced quality and speed of granting requests
- Offering new initiatives in accordance with current developments
- Accessibility of information and transparency of the activities of the County bodies
- Openness to participation of citizens in the creation of policies and goals
- Raising social and ecological awareness.

In the creation of its policies and programs concerning a wider national and international social community, the Istrian County, besides others, respects the following explicit and implicit requests for:

- Strengthening the awareness of the respect for human rights, including religious, national, political and gender tolerance
- Inclusion in European integrations.

Regarding handling of information, "the information on how citizens treat County services, the knowledge and experience on processes, accessible knowledge and experiences from related activities outside or within Croatia" are selectively collected and stored so that they can be used as the basis for direct and strategic decisions, corrective and preventive measures or perhaps adaptations of the system of management.

Heads of administrative departments are responsible for communicating with citizens, and this practice is to be based on the following:

- Respecting of relations with citizens
- Analysing demands and expectations, citizen complaints and suggestions, and on this basis
- Planning corrective and preventive measures
- Educating citizens in the ways of communicating with administrative bodies
- Strengthening the sense of belonging and loyalty of citizens to the county
- Strengthening civil initiatives and responsibility.

The County Executive Board evaluates the performance of an integrated system of management in relation to, among other things, citizen satisfaction as expressed through grievances, complaints, realised plans, the increase or decrease of standing in the public eye and the level of citizen participation in the definition and realisation of programmes.

Corrective activities are carried out in keeping with relevant procedures and aimed not only at improving identified discrepancies, but also at eliminating their causes. Corrective activities are set in motion, among other reasons, following:

- Complaints by citizens and other interested parties
- Statistically elaborated data on complaints by citizens and other interested parties.

If a corrective campaign followed after a complaint made by a citizen or per request by an interested party, they will be informed about the measures undertaken and their effects.

With regards to collecting and storing documents, for citizens to participate in the regional self-government in the Istrian county, it is important that:

- Documents dealing with the measurements of customer satisfaction are to be kept for a minimum of 3 years
- Documents about communication with external interested parties are to be kept for a minimum of 3 years

²⁵No. 201227.

- Documents about preventive and corrective actions are to be kept for a minimum of 3 years.

The County Executive Board decides on new services following citizens' initiatives. More precisely it decides on:

- The scope, deadlines and criteria for the evaluation of validity of a new product / services
- The reporting on users' opinions about a new product / service
- Perceived problems in the placement of new products / services
- Opinions of the public and others concerning the new product / service, especially if the placement does not proceed without difficulties
- Types and scope of changes on the new product / service, or its inclusion or removal from the standard scope of activities of the county.

The Code of Behaviour is applicable to all employees in the Istrian County, including freelancers (and associates) who perform jobs and tasks in the name of and for the County. According to this Code, the following principles (important for the participation of citizens in regional self-government in the Istrian County) are to be applied by employees:

- The principle of protection of the rights of citizens and the protection of public interest
- The principle of non-discrimination, respect of human rights and the dignity of person
- The principle of economy (carrying out procedures with as little expense and loss of time as possible for the client)
- The principle of offering help to a client (so that any lack of knowledge on the client's part shall not be at the expense of the rights that belong to the client)
- The principle of providing a written reply within 30 days at the latest from the day of filing the initiative, suggestion, complaint, question, message and other submissions by a citizen.

The importance of the procedures of internal and external communication, significant for the participation of citizens in regional self-government in the Istrian County is reflected in the following:

- building of positive attitudes of the employees and the public towards the County
- showing of readiness for dialogue and co-operation
- elimination of potential conflicts
- increasing preparedness for possible incidents.

The following authorized personnel are responsible for communication with citizens (and the planning of communication):

- The president and members of the County Executive Board, the president of

the County Assembly, and their delegates

- The staff member responsible for protocol and public relations is also tasked with proposing annual programs concerning the relations of the Istrian County with the mass media and giving monthly, quarterly and annual reports. All contacts with the mass media are arranged with the aforementioned employee who coordinates proposals as well as presentations and organizes, prepares and holds press conferences. Telephone numbers and fax numbers of the employees of the department for public relations are made available through the media so that this department could receive all citizens' queries.

Regardless of the function and organizational unit, all employees are obliged to:

- Always and on every occasion listen to citizens
- Be friendly and efficient in the receipt or referral of initiatives, suggestions, complaints, objections, queries, messages and other proposals by citizens
- Make note of every suggestion made by a citizen, which is related to the work of the bodies of the Istrian County
- Be extra prudent in their communication with persons with special needs
- Allow and guarantee the anonymity of citizens who wish to be so in their contact with employees.

The successfulness of communication with citizens is evaluated through:

- Public opinion polls
- Analysing press-clippings
- Analysing complaints made by citizens.

In their reports about their work (these are usually annual programs and reports and the so-called four-year mandate programs and reports), various departments of the Istrian County prove their responsibility towards their own work and their responsibility towards the citizens of the Istrian County.

The aforementioned confirms the fact that in the creation of practical frameworks for the participation of citizens in local and regional self-government, the Istrian County has made great strides. But this is only part of the mission which the Istrian County – moving towards the project of accepting the system in management according to the requirements of valid international norms ISO 9001:2000 and ISO 14001:1996 – described as "efforts to surpass the requirements of the regulations and to develop its own standards of good practices".

Participation of citizens in local and regional self-government in the Istrian County outside the existing legal and practical framework

It is impossible to list or regulate all of the ways and forms (especially external) of participation of citizens in local and regional self-government. For this reason,

some ways and forms of participation of citizens in local and regional self-government take place outside the existing legal and practical framework, but not contrary to it. Concerning some of the ways and forms of participation of citizens in local and regional self-government there are legal or operative gaps, so that citizens who wish to participate in new ways in local and regional self-government or that government itself lose on legal or institutional security, but gain on spontaneity.

Since some of these ways and forms of participation of citizens in local and regional self-government have their own legitimacy, they can consequently trigger off changes in activities in the local and regional self-government. We will list only the most frequent ways and forms of participation of citizens in local and regional self-government in the Istrian County.

Public protests can be organized based on the initiative of citizens, at the invitation of one or more political parties or trade unions, or by the combined activities of citizens, political parties, trade unions, and other parties from the public political sphere. In the Istrian County public protest are quite frequent, especially the smaller ones, and at these protests various public demands are expressed which, although not legally binding, can cause some changes in the work of local authorities²⁸.

Informal communication and interaction with representatives of local and regional self-government, on the basis of which local and regional authorities change their decisions, is an everyday occurrence and it takes place in various locations (streets, markets, cafes, restaurants, neighbourhoods...).

Influence of the media on public opinion, and vice versa contributes to the preservation of democratic values and practice, provided that the media scene is pluralistic, and that its actors follow the deontology of the profession.

Concluding remarks

As the possibilities for the participation of citizens in public activities on a local or regional level are to a large extent open-ended in Croatian legislation, but implemented differently in different parts of the Republic of Croatia, it would be useful to depict some measures and procedures (given randomly):

a) Standardize the level of openness of the whole administrative system towards the participation of citizens in sub-local, local and regional self-government - not

only through prescribing minimal standards, compulsory for all counties, municipalities and cities - but also through the definition of stimulating measures of central government bodies for counties, municipalities and cities, which will open their administrative system to citizens in various ways (i.e. donating some computer equipment)

b) Legally and technically shape the rules and possibilities of constant supervision of citizens-users over services, which they receive from local and regional authorities (by having continuous reports available on the Internet or the presentation of these reports via large display screens in locations where many people circulate)

c) Ensure permanent education of employees in local and regional administration, which will help to develop openness towards participation of citizens in sub-local, local and regional self-government

d) Open the administrative system at sub-local, local, and regional self-government levels towards all minorities (social, national, cultural, age, dietary) through methods of recognizing, acknowledging, understanding, and advancing their status

e) Stimulate elected citizens/councillors to participate in public activities and their openness towards civil initiatives and communication on an official (formal) and unofficial (informal) basis

f) Stimulate the media to cover more thoroughly the participation of citizens in local and regional self-government

g) Consider the possibilities of including in the process of direct decision-making those citizens who do not have permanent residence in the area where the direct decision-making takes place but where they have a vacation house or some property

h) Stimulate measures to develop the non-governmental sector (for example through tax-breaks for donors and for NGOs themselves)

i) Transfer activities to NGOs, which the local County Executive Board will allocate on the basis of public competitions for providing services

j) Form more precise databases about NGOs and their achievements, as a basis for the defining the criteria for receiving support from local and regional budgets by those NGOs that are supporting the participation of citizens in local and regional self-government

k) Form different coalitions between the local and regional authorities on one side, and the individuals and NGOs on the other (for example, with the goal of stimulating the production of healthy food, or providing opposition to third the parties who, like individual foreign companies, restrict freedoms with the help of corrupt domestic institutions)

²⁸ Furthermore, in Istria there were serious and mass protests which had as their consequence changes in the activities of the State government: in April 2000 public protests helped to prevent the impending bankruptcy of the Istrian Bank after the decision by the National Bank of Croatia which then changed its decision, and in 1998 just the announcement that mass protests would take place prevented the introduction of toll fees on the highway which was being built by a French company thanks to a suspicious contract signed with the Croatian Government.

l) Include educational and standardisation agencies, as well as NGOs²⁷ in all the aforementioned activities, especially in the education of citizens and administration personnel (and in the use of modern communication systems such as the Internet, the Intranet, local electronic media, etc.) for dealing with the bodies of local and regional self-government, i. e. ensuring a reaction on the part of local and regional authorities which would meet the standardized requirements of quality.

It could be said that in no area of public affairs is the permanent education of citizens and clerks so imminent: the measure of the actual participation of citizens in the decision-making process will not depend on "regulations only, but on the attitudes and practices of the professional leadership itself"²⁸. Citizens are part of the organisational structure "but the nature of their cooperation largely depends on the professionals."²⁹.

²⁷ The Centre for Civic Initiatives from Poreč is conducting several projects from the field of intensifying interaction between citizens and authorities: i.e. the project "Interethnic Co-operation and Strengthening of the Civil Society in Istria" (since August 2000), the project "Civil Society and Local Self-government Building Long-term Partnership" (since October 2000.), the project "Dialogue in the Community: Developing of Models of Co-operation Citizens- Authorities (since October 2000), and the project "Education for Civil Society Developing of Leadership of Young People" (since October 2000.).

²⁸ Pusić E., op. cit., p. 154.

²⁹ Ibid.

Damir Miljević

Local Government and Citizens Reaching Development Together Experiences from Bosnia and Herzegovina

Is Bosnia and Herzegovina a specific country?

Unfortunately, Bosnia and Herzegovina is a very specific country, which is mostly the result of the four-year war. Bosnia is still:

1. **Post war country** where the peace-building and refugee-return process is not yet finished
2. **Post war country** where the reconstruction process is not yet finished
3. **Country in transition** in which there is the conflict between the new legal-political system and the previous ones (from socialism)
4. **Country in transition** where several very complex processes are happening simultaneously:
 - Democratisation
 - Privatisation
 - Transition into open market economy
 - Economic regeneration etc.
5. **Country under supervision and control** of international community through OHR, IPTF, SFOR etc.
6. **Country with very complex structure**, complicated government and public administration structures with different models within the entities.

Local government in Bosnia and Herzegovina - institutional framework

The system of de-centralization of power has developed in accordance with social and economic developments in the world. It is based on the subsidiary principle whereby the state transfers authority to the lower level of government with the right of decision making within the sphere of transferred authority. Public issues are being dealt with at the lower level of authority, closer to the

citizen and on their behalf. Within the European Union, this principle is implemented as the basic principle of the European Charter on local government (Strasbourg, October 15 1985) adopted by majority of European countries, harmonizing thereof the position and the role of the local government amongst themselves.

Following the European model, the BiH Federation (the BiH Federation Assembly ratified the European Charter at the session held in October 1994) and the Republic of Srpska have both accepted the concept of local government and based it on the following principles:

- The right to govern some public issues as prescribed by the Constitution and laws
- Election of representative body (Council or Assembly) composed of members elected in free and fair elections by secret ballot
- Discretion right to implement its own initiatives and perform business not excluded from the sphere of its authority
- Full and exclusive rights transferred under government of local authorities which can be limited or suspended only by the law
- The right to determine its own internal structure in accordance with the Statute
- The right to govern the funds collected from local taxes and dues and independence in estimating their amounts
- Supervision as defined by the Constitution and the Law, controlling thereof constitutionality and legality
- Providing legal means of protection of the principles of local government
- The right of local bodies to associate in the interest of realization of mutual needs.

Legal regulation of the local self-government in our territory started after the war with the essential legal acts: BiH Constitution and the RS and the BiH Federation Constitution, but they do not prescribe in a consistent way the concept of local government. Only the Constitutions of some cantons in the Federation and the Law on local self-government in the Federation (September 1995), the laws on local self-government in certain cantons and the Law on local self-government in the RS (December 1999) prescribe the rules of local government in the municipality and in the city, the manner and the conditions for their establishment, their bodies, financing and relationship with the superior bodies.

The local government in the RS is one level and monotype and citizens enjoy some freedom and independence in performing some businesses, rights and obligations. The municipality is in charge of the so-called basic issues, the

businesses related to the immediate interest of the citizens, and the Republic is authorized to transfer some duties to the municipal level. As far as financing is concerned, some funds could be called basic: municipal funds and the taxes and dues collected by the municipality in the amount prescribed by the municipality, all in accordance with legal regulations and the authority transferred from the republic level.

The organs of the municipality are the assembly, the mayor and the municipal administration. The organization of the municipal administration is regulated by the Book of Rules on basic principles of the organization of municipal government (April 2000). The Book of Rules regulates the type, the numbers and titles of the bodies of municipal administration, the numbers and posts of the employees in the municipal administration and the criteria for employment. This Book of Rules is unique for the Republic of Srpska and the criterion that is applied in determining the organization of municipal administration, is the size of the population of a municipality in accordance with basic principles of the Book of Rules.

The following are the conclusions of the analysis of the legislative and executive authority in the municipalities in Republika Srpska:

- a) Councillors of the municipal Assembly and the mayor are elected directly by citizens for the period of four years respecting therefore the right of citizens to self government at the local level
- b) Legislative power is concentrated at the level of entity - Republika Srpska. Legislative power at the municipal level reflected through the Assembly is basically very limited and it reflects the authority given by an entity and pertains to passing regulations, acts, plans and programmes in relation to the existing legal regulations. It could also be defined as the statutory and normative authority of the Assembly
- c) Main instruments of the economic development such as the tax system, banking system, customs, economic policy, the mechanisms of payment and control are concentrated at the entity level and the municipal administration almost has no impact in their establishing and functioning
- d) Each municipality can create its own administrative framework within the existing legal framework. The administrative framework will provide for the executive power of the municipality to implement the policy at all levels as planned by the Assembly and in accordance with laws. The municipalities however do not fully realize its authority and the possibilities rising thereof
- e) Municipalities in the RS are not independent in organizing municipal administration as all issue have been regulated into details by the above mentioned Book of Rules which is unique for the entire RS territory

f) The practice has shown that the criteria pertaining to a fraction of the population cannot be sufficient in organizing municipal government as no characteristic of individual municipality has been taken into consideration, as well as local circumstances and needs, demands for efficient government and efficient realisation of the rights and obligations of citizens

g) Although majority of municipalities in the RS did not fully organize its work in accordance with the Book of Rules, it has already been noticed that this centralist approach in organizing local government was not satisfactory as it is more of an obstacle than a support to the functioning of local self-government

h) The independence of municipalities is reflected through some of the issues it is dealing with within the group of basic businesses and through the generation of income defined as the elementary municipal income, therefore the income which municipalities can control by determining its amount

i) The relationship between the republican bodies and the bodies of local self government should be based on sharing information and cooperation, but this is not realized fully in practice

j) The RS Government has a specific way of supervision over local self-government as it can stop the implementation of a regulation passed by local self-government if the Government considers it unconstitutional and illegal, or if it has initiated the procedure for estimating legality and constitutionality of an act with the RS Constitutional Court. The RS Government can also, in some cases, initiate the procedure for ousting the mayor of municipality

k) The RS National Assembly can dissolve the municipal Assembly if a local administration does not perform its duties for a longer period.

The legislation in the BiH Federation has foreseen local self-government to be the third level of authority, the closest to the citizens. The BiH Federation has defined and divided the issues under jurisdiction of an entity as follows:

- Issues under exclusive jurisdiction of the Federation
- Issues under the mixed authority of the Federation and cantons, implemented jointly or separately, or implemented by cantons and coordinated by the Federal authority
- Issues under cantonal jurisdiction.

Each canton prescribes by its Law the jurisdiction of municipalities within their local self-government field, and also the issues transferred from the cantonal and federal jurisdiction to the municipal level. As far as the financing of municipalities is concerned it is foreseen that municipalities should generate funds from their own sources (taxes and municipal dues in amounts prescribed by the municipality, income generated from immovable and movable property, concessions, gifts, heritage etc.), the fees from the federal budget allocated for

the competences transferred to the municipal level and the part of a canton's basic income generated at the municipal level. The municipal bodies in the Federation are the municipal council, the mayor and the municipal administration. The laws in the Federation did not prescribe criteria for organizing municipal administration, so municipalities differ in the way of organizing administrative services.

The following are the conclusions of the analysis of local self-government in the Federation:

1. Councillors from municipal councils and mayors are elected directly by citizens for the period of two years, therefore respecting the right of citizens to self-government at the local level.

2. The legislative power is shared between two levels, the level of Federation and the cantonal level so that the strong, centralized power has been created at the cantonal level, immediately superior to the municipalities.

3. Cantonal authorities very often overtake the authority of the municipalities, violating their rights and their property, thus endangering their guaranteed (prescribed) autonomy.

4. In the process of forming municipalities there are great difficulties in the field of defining their position and prescribing their jurisdiction and organizational structure.

5. Although the lack of criteria for organizing municipal administration should be an advantage since municipalities are in that sense independent and could respect individual characteristics of municipalities, local circumstances and needs, the demands for efficient administration and efficient realization of the rights and the execution of needs of citizens, too many differences in organizing municipalities are a more of a disadvantage than an advantage.

6. The practice has also shown that there is no respect for the constitutional position of the municipality and its autonomy related to financial resources, and also the rights of the municipal administration to prescribe regulations concerning taxes and to generate funds in some other ways.

7. The federal bodies established in municipalities collect taxes and dues and allocate budget resources to municipalities, on the basis of decisions passed by the cantonal government. This does not depend on the local population needs, but very often it depends on the relations with the municipal administration and the political structures that govern a particular municipality.

8. Generally, basic instruments for economic development in the Federation such as taxes, banking system, customs, economic policy and mechanisms of payments and control are concentrated at the cantonal and entity level and the municipal administration almost has no impact on their creation and functioning.

9. Relationship between cantonal and municipal bodies should be based on cooperation, sharing knowledge and experience, offering expert knowledge, undertaking joint actions and alike, but in practice it is not the case.

10. Responsible cantonal body has the right to prevent execution of regulation or an act if it is violating the Constitution and laws.

In all other countries formed after the breakdown of Yugoslavia, the former model of municipalities as self-governing and basic socio-political communities was abandoned in the aim of implementing a new type of local self-government with municipalities as basic territorial units.

In Macedonia local self-government is regarded essential for the constitutional order. In Croatia, municipalities and cities are established as units of local administration and local self-management.

In Slovenia, municipality is a basic self-governing community that, in accordance with the Constitution and laws independently performs its functions and duties delegated to it by the law. With the FRY Constitution and with the constitutions of Serbia and Montenegro the local self-government is established in accordance with the European Charter on local self-government. The Constitution of Serbia envisages only some basic elements of the system of local self-government and its important characteristic is the inclusion of the right on local self-government.

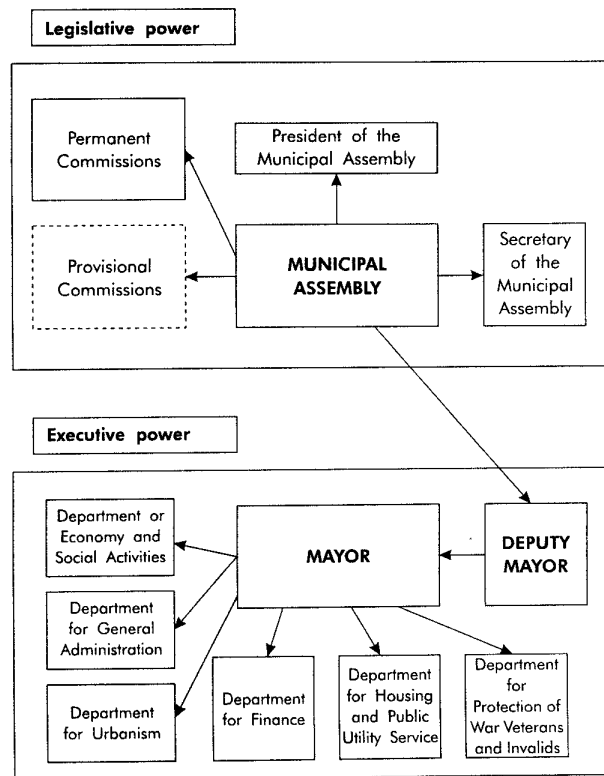
The following conclusions could be made:

Bosnia and Herzegovina with its entities, like all other countries formed after the breakdown of the former Yugoslavia has joined the European trend of democratisation and establishing local self-government as the central value of the Constitution. Legal framework for this issue in the BiH has been provided, but securing functioning of local self-government in practice is a long-term process still faced with problems and obstacles. It could therefore be said that the principles of the European Charter have yet to be implemented and the process of functioning of local self-government will probably suffer some changes and adaptation.

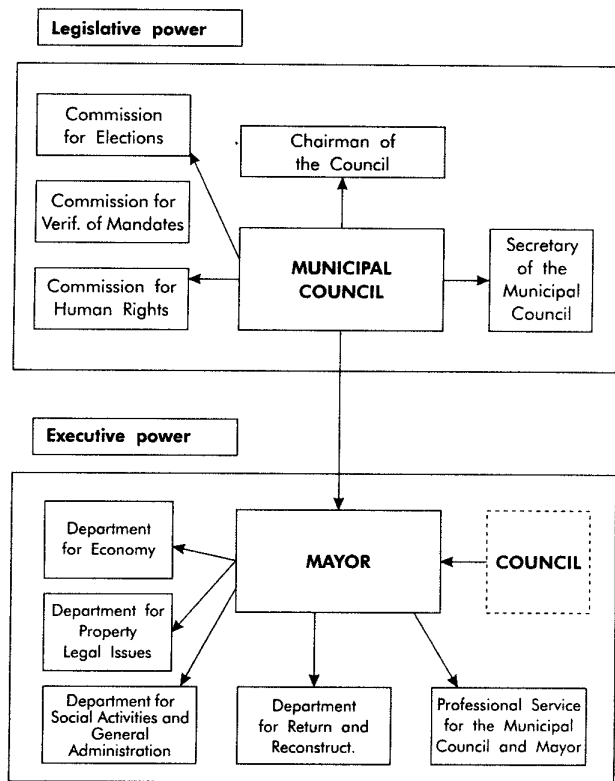
Both models of local self-government established in the entities, although very similar, have their advantages and disadvantages and basic problems: insufficient autonomy of local self-government, which has impact on its normal functioning.

The typical organizational structures of Local Governments in both entities in BiH are as follows:

Municipal structure in the RS



Municipal structure in the BiH Federation



Where is Citizens' Participation in Bosnia and Herzegovina?

We will show the level of citizen participation in local government in BiH through the results of research conducted in year 2000 in 4 municipalities in Bosnia and Herzegovina. The poll has been conducted with two types of respondents in four municipalities: Kozarska Dubica, Prnjavor, Bugojno and Gračanica. The selection was made in relation to an analysis of the needs of the public sector in BiH.

In the first sample, the respondents were the employees of the local government, representatives of the population of service providers. There were 41 respondents in the poll, and the table below reflects their position or the post:

Position/post within local government institution	Total	%
1. President of the municipal council	4	9.8
2. Mayor	4	9.8
3. Deputy, assistant	7	17.1
4. Director	9	22.0
5. Secretary	8	19.5
6. Head of department	6	14.6
7. Operations officer	1	2.4
8. Assistant - expert	2	4.9
Total	41	100.0

The selection of the respondents in this poll was deliberate and occasionally with the aim of achieving the representative character of the poll.

The second sample should have represented the population of the public sector service beneficiaries, in particular these three categories: citizens, private sector and NGOs. The sample was structured on the basis of this selection. There were 191 respondents in the poll, and the participation, on the basis of category was as follows:

Category	Total	%
Citizens	127	66.5
NGOs	23	12.0
Private sector	41	21.5
Total	191	100.0

The respondents from each category were selected randomly.

The results are as follows:

The results of the interviews conducted with the service providers point to the following main opinions regarding the problems occurring in the work of local government institutions:

1. Efficiency in providing services

Technical capacities for providing services, according to the opinion of 32 (78.0%) respondents, are insufficient. The opinion of 24 (58.5%) of the respondents is that the inherited habits represent an important problem in providing services to the population. The procedure for obtaining some documents is extremely complicated (31 the respondents or 75.6%) and cumbersome (22 the respondents or 53.7%). 22 (53.7%) of the respondents think that the current legal framework only partially ensures efficiency in providing services. The opinion that the number of employees in local self-government is too big is shared by 29 (70.7%) of the poll respondents.

2. Transparency in decision-making

21 (51.2%) of the respondents think that transparency in decision making is only partial, while 16 (39.0%) of the respondents think that there is no sufficient transparency in the decision-making process. 18 (43.9%) of the respondents think that citizens are not given enough opportunity to participate in solving important municipal problems, while 14 (34.1%) of the respondents think that citizens are given a fair amount of opportunity to participate in solving these problems.

3. Responsibility in decision making/implementation of decisions

Majority of the respondents (23 or 56.1%) think that the question of responsibility for wrongly made/implemented decisions is rarely raised. In the opinion of 19 (46.3%) respondents in the poll, the sanctions for wrong decisions are enforced partially, while 12 (29.3%) think that there are no sanctions at all.

4. Co-operation with higher state institutions

In the opinion of 19 (46.3%) respondents in the poll, the cooperation with higher institutions is partial, while the remaining 19 respondents think this cooperation is very weak.

The results of the poll with the group of service beneficiaries show the following most important attitudes regarding the problems occurring in the work of local government institutions:

a) Procedure for obtaining some documents

In the opinion of 133 (69.6%) respondents the procedure for obtaining some documents is complicated; in the opinion of 120 (62.8%) it is cumbersome, while 105 (55.0%) think it is exhausting.

b) Participation of citizens in decision-making process

The majority of the respondents (88 or 46.1%) in the poll, i.e. 63 (49.6%) of the respondents from the category of citizens think that citizens are not offered opportunity to participate in resolving important problems in the municipality; it is also important to say that (60 or 31.4% of the respondents, i.e. 39 or 30.7% from the category of citizens) think that this kind of participation is not available sufficiently.

The majority of the respondents (164 or 85.9%) said that they did not decide through citizens' gatherings or referendums on the construction of public utility facilities, the ways of securing financial means for this construction, or the way of use and administration of these facilities.

c) Knowledge of the ways of direct participation of citizens in local government

The majority of the respondents (97 or 50.8%) in the poll are partially informed about the ways of direct participation of citizens in local government.

d) Differences in treatment of local government service beneficiaries

The majority of the respondents (93 or 48.7%) think that there are differences in the treatment of the beneficiaries of local government services.

Results of the interviews and surveys made with local government officials, citizens, NGOs and private businesses show three main sets of problems related to the work of local governments in BiH. They are:

- Efficiency of local government administration
- Transparency of the work and a low level of participation of interest groups
- Relationship between the local level and the higher level (entity and canton).

Two workshops (the first in Kozarska Dubica and the second in Gračanica) were organized in order to clarify the above-mentioned sets of problems. The workshops were attended by 47 representatives from 4 municipalities representing the local government officials, the NGOs and the businesses. The discussion was focused on the analysis of the problems (in order to reveal the real causes) and a brief overview of possible actions suggested by the participants' opinions. Almost all participants concluded that efficiency of the local government work could and had to be significantly improved. The main problems related to the efficiency could be divided in the following way:

1) Human resources

- Unskilled staff (lack of skills and knowledge) - improvements should be related to the following areas: communication skills, computer skills, skills related to personal and office management, better knowledge of procedures and items related to their responsibility
- Lack of focusing on client needs

- Administration is overstaffed
- A lot of staff do not fulfil even formal job requirements
- Motivation is low
- Bureaucracy mentality.

2) Technical/ Financial Issues

- Insufficient equipment and technical means
- Information system underdeveloped without the necessary databases and information links
- Lack of financial sources as well as insufficient revenues caused by very unfavourable distribution of the budgetary funds between the higher level and the municipality, a very slow influx of budget income from the higher level
- Controlling bodies from higher levels
- Big gap between financial needs and income
- Underdeveloped financial management system.

3) Organizational Issues

- Procedures are very complicated and many of them are from the pre-war system
- Influence of local government on defining the procedures is very weak
- Some problems related to the procedures are internal because very often there is no coordination between different departments in local government
- System of job standardization is underdeveloped
- There is no developed system of incentives
- There is no developed system of standards and measurements of the work efficiency.

The second set of problems discussed at the workshops was related to local government and the representatives' transparency of work, participation of citizens and interest groups in the process of decision making as well as the level of responsibility for made/implemented decisions.

4) Transparency

- Main conclusion is that nobody is really satisfied with the transparency of local governments
- Criteria of transparency have being satisfied with a minimal requested level (public municipal assembly sessions and local media, formal public discussion about planned budget and public spending)
- Public call for tender is not really in use and municipal officials do not feel that is so important (an explanation is that the amounts are usually low).

The causes of a low transparency level according to the participants' opinions are:

- Lack of awareness by municipal officials (attitude that transparency is not so important when budget funds are so poor)
- Lack of tools - they are not informed and trained to use modern methods of transparency providing
- Lack of legislation (prescribed rules) and obligations that will "impose" transparency
- Lack of citizens' interest/apathy.

5) Participation

- The participation of citizens and interest groups in decision-making process is low
- There is no citizens' participation except through elected representatives
- Forms of citizens participation from the previous system (through local communities) do not work in a proper way
- Public discussion is prescribed by law for some issues but there are no clear rules
- Citizens do not know their role and the rights related to the participation
- Interest groups and local communities are not properly represented in municipal assemblies
- The election system favours the interests of political parties but not the interests of communities, interest groups and citizens (representatives in the municipal councils are responsible mainly to their parties)
- There is a lack of knowledge related to the modern methods, systems and techniques of citizens' participation.

6) Responsibility for decision-making and implementation

- Low level of responsibility is caused mainly by underdeveloped systems of transparency and participation (problems mentioned above)
- There is no established feedback system of control in the decision making process and implementation
- There is no set of professional standards and measurements of efficiency
- Almost everything is politicised or could be politicised
- Implementation of local election results and establishment of local governments based on participation of political parties according to the election results took away some important powers from mayors affecting their feeling of responsibility.

The second research was conducted in 2001 with 10 municipalities throughout Bosnia and Herzegovina. The study focused on measuring the level of applying principles of good government in BiH municipalities (the principles of good

government are described as efficiency, transparency and participation and measured on the level of different functions or areas of work in local governments).

Aggregated results of applied methodology are as follows:

BiH					
Areas/Functions	Efficiency	Transparency	Participation	TOTAL	%
Government	80 (57,1%)	73 (66,4%)	74 (67,3%)	227	63.06%
Management	85 (53,1%)	62 (56,4%)	34 (68%)	181	56.56%
Civil service	79 (56,4%)	31 (62%)	8 (40%)	118	56.19%
Economy	63 (45%)	23 (46%)	3 (10%)	89	40.45%
Spatial management	67 (41,9%)	23 (46%)	1 (5%)	91	39.57%
Public utility services	54 (60%)	7 (35%)	4 (20%)	65	50.00%
Environmental Issues	7 (35%)	4 (40%)	3 (30%)	14	35.00%
Social Affairs	37 (52,9%)	9 (30%)	35 (50%)	81	47.65%
TOTAL	472	232	162	866	51.55%
%	51.30%	53.95%	49.09%		

General comment regarding the results of the applied methodology is that BiH municipalities are half-way in implementing the principles of good government (overall result 51.55%). All three criteria of good government are ranked between 49.09 and 51.30 %. The worst result is related to the participation and the best result pertains to the transparency.

Participation is most developed in the areas of management and government but this principle is not in common use in the other functions. The level of participation in specific functions such as spatial management and economy is really concerning.

Both researches show that BiH citizens and local governments in Bosnia and Herzegovina are really far away from the genuine citizens' participation in local governments and processes that will affect their lives.

What could be done?

Further activities related to the improvement of citizens' role in local communities through participation are crucial:

- Strengthening the motivation and capacities of local NGOs and other interest groups to articulate and advocate communities' real needs and interests

- This could be done through giving support to the establishment of organisations, rising level of awareness through public campaigns, different kinds of training activities, creation of different working groups to find solutions for some local problems etc.
- Re-introducing of local communities' role
- This is a task for local government and representatives which will need to redefine the role of local communities and the allocation of funds for this purposes
- Introduction of new forms of citizens participation (best practices).

In Bosnia and Herzegovina there are some models and best practices related to the improvement of citizens participation such as:

- 1) Establishing **local development committees** (local officials, experts and local representatives) - development of municipal priorities
- 2) Establishing **local economic fora** (local officials and business community) - public private partnership for economic development
- 3) Establishing **citizens committees** (mayor, officials, and citizens' representatives)
- 4) Creating Team for Changes - Development of **municipality vision and strategic goals** (local officials, business community, NGOs, citizens' representatives)
- 5) **Capacity building** of local governments in good government.

Non efficient, non transparent and non service-oriented local government in Bosnia and Herzegovina really need to be improved through developing skills, training, development of procedures, functions and systems to fulfil their real role - the role of public servants.

6) Changing the election system for municipal assembly

This is one of the most important activities, which will lead to the real citizens presentation and participation in democratic governing bodies at the municipal level. Without this change all other activities will have a limited influence on citizens' participation in local governments.

Empowering citizens – still a distant goal for Romania

The revolution of citizenship

The year 1989 is, undoubtedly, a turning point in recent European history and even beyond. It proved to be the end of mimicry of democracy, based on a single-party system and was followed by reconsideration of the role of individuals, groups and societies in the shaping of the future of the continent. The totalitarian systems collapsed under the pressure of the people, no longer willing to comply with policies alien to their interests. The very nature of change emphasized a new role for citizens. For countries like Poland and Czechoslovakia the pressure of civil society in opposition to the ruling party showed that there was a way out of the system. Romania - which caught the 1989 wave in the last minute - believed it was witnessing a miracle, not fully understanding that there is power resident in the hands of the people, outside party systems or army-based groups.

All of a sudden, every single parameter shifted from its place and left room for innovation, though nothing heralded the major changes that were knocking at the door. So, the communist pseudo-democracy left the scene through the back door. But did the people succeed in retaining the power on their side? Are the institutions of the new Romania accountable to the citizens? Well, the answers start with lots of amendments. Much has been done since, but the desired convergence with the consolidated democracies is far from complete. Democratization is still an undergoing process, with a possibility of a reversal and the feeble civil society still needs fostering.

Model-searching for analysing such a brisk and rapidly changing situation like the one of transition can prove to be quite an adventure, since most theories need a large scale and time-span for a thorough argumentation. While being aware of the change, analysts, policy-makers and even the public at large have problems with finding the underlying paradigm, hidden behind a multitude of details. James N. Rosenau and Mary Durfee propose a fresh theoretical basis for revealing the inner structure of the long chain of events that has given substance to the "turbulence paradigm" or "postinternationalism", as they put it. Instead of constructing their model around the framework of the "individual-state-

international arena", Rosenau proposes a different labelling, also accounting for a dynamic flow of analysed elements, relevant for the shifts in question. The post international methodology sheds light upon such previously ignored factors as the concept of power (coming from multiple sources), societal structures and the central role of citizens, a high sensitivity to change and a form of interaction in cascades. In Rosenau's terms, the levels of analysis are: the micro-, the micro-macro and the macro. The micro level resides in the shifting capabilities of citizens everywhere.

According to this theory, individuals have undergone a "revolution of skills", for a variety of reasons, ranging from the advance of communications technology to the greater intricacies of life in an increasingly interdependent world¹. Rosenau states that, although it is tempting to consider the revolution of skills as having positive outcomes, "there is nothing inherent in the revolution of skills that leads people to more democratic directions"² and there is no way to predict how this competence will be used later in everyday life. The second parameter, the micro-macro one consists of recurrent orientations, patterns of aggregation through which citizens at the micro-level are linked to the macro-level, considered to be an international one. At this level, a devolution of authority took place, consequently instigating a crisis in the state and government structures. And finally, the macro-parameter reflects the system of the international arena. I believe that this grid is more convenient for a thorough analysis of what happened to the individuals faced with the idea of being responsible for their own lives and for the change of the state structures.

The "revolution of skills" can be traced back to the human dimension of democracy envisaged in the '80s, with the activities of the Conference for Co-operation and Security in Europe and an increasing interest in the human rights. The international pressure on totalitarian regimes and the international support for Charter 77 or Solidarnosc brought new factors into the balance of power in the former Communist Bloc. Romanians also felt that the international public would sympathize with an opposition movement, but lacked the skills to produce it. Even outside Romania, few organizations or associations were prominent. The lack of civic resistance and culture triggered the bloodiest regime changes in Eastern and Central Europe³.

What was the organizational experience of Romanians at that time? According to the study financed by the Foundation for the Development of Civil Society (FDSC) in 2000, the tradition of associative life in Romania is rather

¹ James Rosenau, Mary Durfee, *Thinking Theory Thoroughly*, Westview Press/ Boulder, San Francisco/Oxford, 1995, p.35.

² Op. cit., p. 36.

³ Patricia Chilton, *Mechanics of Change in Eastern Europe*, in *Bringing Transnational Relations Back In*, Cambridge University Press, 1995, p. 220.

unimpressive'. Up to 1918 the few associations created in the country were of philanthropic, cultural or religious nature. A short period of flourishing came to an end in 1939, when king Carol II enforced his dictatorship. The Communists did not encourage a development of organizations. It would be wrong to say that civil society came to an end, though some prestigious analysts and politicians claim this to have happened (5). But since the state controlled all sectors and offered various social services (education, healthcare, social security, pensions, culture), the mentality of total dependence on the state was largely encouraged. FDCC lists about 50 (53) associations, which survived during the Communist period, active in the following areas: sports, culture, mutual aid, and handicapped persons. After 1989, the civil society felt it lagged in producing a larger range of organizations, which would fulfil the aspirations and inclinations of the citizens. The revolution had an effect of a "big-bang" for different forms of associations, some sponsored and inspired by Western funds and models, others reviving domestic traditions, and others yet wishing to meet the needs of the public outside political parties and professional groups.

The angry (but confused) citizens

The Revolution of 1989 freed the people from their fears. The months of "street democracy" deepened the conviction that civic resistance and protest are bound to succeed. In that early stage, Romania adopted a model that still stands in the way of developing a modern society: the confrontation. The students' riots were set in opposition to the miners' strikes, not for economic demands but for "peace and harmony in the society". The need for organizing the protests came some time later. But as an unfortunate legacy of this early stage, up to this day the Romanian scene is marked by many mirroring associations, whose demands are impossible to reconcile: The Associations of the Victims of Miners (victims during the 1990-1991 riots) and the Association of Miners (bearing the name of a leader imprisoned for the very acts the first association is protesting against), the Transylvanian League and the Sarmizegetusa Organization (one oriented toward federalism, the other openly created to counteract the first), and so on. Chaotic protest is still the most powerful manifestation of the civil society in Romania and somehow the conviction that civil society is equal to non-party protests against the government resides in rooted in public perception. The decompression of the communist regime and the evaporation of the enforced consensus resulted in another task: that of re-grouping the citizens, not only into parties, but also in other forms of associations. The first ones to appear

⁴ Irina Farcasanu, Oana Tiganesescu, Carmen Epurc, *The Non-Governmental Sector in Romania. Short Historical Survey and Statistical Data*, March 2000, Bucharest.

were the charitable associations, triggered by the necessity to act as counterparts to Western charities and their massive sponsorship. Unfortunately, a lot of organizations still survive solely on foreign sponsorship, ruining the image of the non-governmental sector in the eyes of the public. Whenever the Government wants to reproach the civil society its lack of consistency, the example of associations that illegally imported cars and second-hand goods is at hand. Another bad example is the one of civil organizations which spawned political parties, associated themselves openly with political parties and fell out of the public favour and lost their original prestige and goal⁵.

Many representatives of the civil society consider the association of major NGOs with parties particularly harmful. In Romanian public life, the civil society is rather often perceived as being identical with political NGOs of a certain orientation (thus narrowing the non-profit area, since the political range of NGOs is not the largest one and surely not the only one). This affected the whole sector. A recent report on NGO development entitled "Making civil society work" points at the fact that many of the major Western partners considered their task fulfilled when the former coalition of opposition parties and their allies from NGOs won the elections in 1996. Thus, some of the Western sponsors of civil society development claimed that the funds were no longer available for the NGOs, but for the governmental bodies. European Union programs evaluated at 2 million euros were frozen for 1997-1998, USAID blocked finances for 1997. At the same time, Soros Foundation for an Open Society announced a change in its financing strategies. The report also criticizes the Pact for Stability for its lack of sensitiveness to the role and activity of local or regional NGOs. Finally, the report points out that the PHARE program gave only 10% to NGOs out of more than 200,000 euros allotted to Romanian institutions.

The picture cannot be complete without mentioning the chronic lack of domestic funds for sustaining the non-profit sector. Thus most NGOs have either to adapt all the time to the out-of-reach criteria in order to access international funds (not always corresponding to the specific needs NGOs detect in Romanian society) or strive for (hard) survival, hoping that the legal frame and the general economic and political climate of Romania will take a favourable turn.

According to credible statistics, provided by FDCC, in 1990 604 new organizations were registered. By the year 2000 Romania had more than 30,000 organizations, associations and foundations legally registered. Yet, only 15-20% of them are active and only some dozens have public visibility. Why only few organizations gain visibility? One reason would be the relative indifference of the mass media regarding the "outside power" area and the small impact of a large number of activities performed by NGOs. Another reason is the lack of ability in

⁵ The Civic Alliance created the Civic Alliance Party, the Alternative 2000 created the correspondent party, and the list is much longer.

PR on the part of associations themselves (recognized in all resolutions adopted by the Forums of NGOs in Romania). And finally, there are still a large number of organizations, which work solely for the benefit of the members as a closed micro-society. For instance, in Bucharest, in one day 50 NGOs were registered. Their goal: to bypass the laws on importing goods.

However, it would be unjust to treat NGOs as lacking honesty and clout. Their diversification is only another face of the fragmentation of the society, manifest in all other sectors, starting with the polity and the economy all the way up to the mass media and the education. The picture of the NGO sector in today's Romania reflects the dedication of approximately 1.8 million people (out of the population of 23 million), with about 40,000 permanently employed to work in this field. Concerning the areas of interest, 26% of the NGOs are active in "Culture and leisure", 19% "Social services", 17% "Education". Despite the large number of NGOs, the desire to voluntarily participate in some activity is low with Romanians: about 7 hours per month! And still the positive trend of associative life in Romania is manifested in the public perception that local communities are best served by grass-root organizations. A public opinion poll in 1997 about the associative and philanthropic behaviour of Romanians showed an awareness of the importance of the NGO sector. 34% of Romanians believed that everybody should be active with regard to the local administration; 18% - to help the poor; 6% - to be active in Church activities; 23% - simply to obey the laws. 46% were convinced that the members of the community should keep away from the parties, while 50% believed that they should be part of public life. More often than not, the attitude is passive and contemplative. Dissatisfied with the parties, the government, their own working place and the conditions, the performance of the local government, etc., the average Romanian tends to grumble in solitude and only reluctantly registers in some form of active association, to help solve the problem.

And yet, the picture is not so gloomy as it may seem. There is power in the hands of the NGOs and there are "success stories", efficient lobbies and good results. One of them is the accomplishment of the Timisoara municipality: drafting the strategy for developing the city with contributions from the NGOs, the academic sphere and the private sector. The result: a document of more than 500 pages, listing all the ideas launched publicly. Also, all the contributors are committed to promote the strategies regardless of the political context and at all possible levels and events. This example and others of the kind identify the prerequisites for such a cooperation to work. On the top of the list is the willingness of the partner - the structures of power, be it local, national or international - to render leverage to NGOs, to listen to public concerns, to work together with the people.

A SWOT analysis of NGOs - the only venue by which citizens can measure and exercise their power - shows balanced scores, with a slight plus on behalf of the advantages, which gives rise to wary optimism:

STRONG POINTS	WEAK POINTS
Address and solve needs of communities, though only on a small scale.	Lack of ability to cooperate smoothly with businesses and government (most often the relationship is of antagonism and demand, rather than "doing together")
Steadiness in pursuing goals, resulting in the (already) visible effects of lobbying.	Highly personalized; when the leader leaves, the NGO is paralysed.
Professionalization of a layer of NGO activists.	Selfishness. Leaders or groups of experts over-train, but do not share new specializations / opportunities for training with others inside or outside their organization.
Development of NGO-owned press and PR departments.	Persistence, in Romanian public, of the mentality that foreign money is given with malicious intentions (legacy of the communist mentality that interference in domestic affairs is against the national interests).
Existence of "old" (10-11 years) NGOs.	Inflation of registered NGOs, some non-active
(Some) networks and experiences of alliances for campaigns.	Lack of networking skills. Most NGOs are jealous of their achievements and international connections and are afraid that others will crop the fruits of their work. In panels, workshops or forums they share information unwillingly.
Participation in international networks / events / forums.	Poor international ties or a difficulty to present to domestic public the merits, prestige and specificity of the foreign partner.

The institutional response

Partly because of the international pressure, partly to ensure the support of the new, active citizens, the post-Revolutionary power in Romania bowed to civil society, feeble as it was. The first sign: including in the National Salvation Board

the well-known dissidents such as Doina Cornea, Mircea Dinescu or Laszlo Tokes. The second: accepting the monitoring of elections by national NGOs, such as Pro Democracy. Third: allowing for a rather generous legal frame for creating new NGOs. And last but not the least, the response to some of the campaigns led by the NGOs, resulting in changing the legal system, e. g. the law on alternative military service, the law on NGO registration, the law against discrimination of homosexual relations, the law on data protection and so on.

The general frame for bringing the citizen back to the core of democracy is set forth by the Romanian Constitution. According to the Fundamental Law:

- Citizens enjoy the freedom of speech
- Citizens have the right to be fully informed concerning public affairs and matters
- Citizens may freely march, protest or engage in civil disobedience
- Citizens have the right to form associations
- Citizens express their power through voting (unlike other countries, where NGOs may propose candidates, in Romania only parties and organizations of ethnic groups or minorities enjoy such a privilege. Individual candidates need a list of supporters, which is hard to build and does not relate to the NGOs, even if such a support is offered)
- Sessions of elected bodies (local - city council, regional - county council or national - Parliament) are open to public
- In major matters referendums may be organized (though in practice these are scarce and the turnout is low).

Specific laws concerning public administration reinforce the right of citizens to be informed and participate in public life, though it is still a rather passive form of participation: more of a **viewing** administrative acts and not being **part** of the decision making process. However, the trend is positive and the "revolution of skills" has bore fruit. The NGOs put a pressure on the administration, asking for a bigger say. At the same time, local and regional administrations are more aware that their authority may decrease and be challenged if the citizens and the civil society are shut out of the decision making process. Asking for more decentralisation and independence from the national authority, the municipalities and county councils have to prove that they serve their communities the best and that they are competent and willing to comply with the principle of subsidiarity. Thus, when a NGOs knocks at the door offering partnership and expertise or asking for help, the local bodies feel the need to respond positively. On the other hand, the success of the NGOs is due to international pressure. The enforcement of consultations with the civil society, considered by the Council of Europe as a criterion for measuring democracy and

the obligation to create partnerships with the NGOs in order to access international funds resulted in a change in the mentality of the leadership.

The Government has an Office for Relations with NGOs (changed after the 2000 elections into a Department subordinated to the Prime Minister's Cabinet and, at the regional level; the prefects' offices have councillors to deal with the NGO sector. Public officials attend the already traditional yearly meeting of the NGOs. At election times, the NGOs not only invite candidates to public debates, but are already able to set a different agenda concerning the topics addressed, although further links are random. The NGOs are accepted as observers in the Parliament, with a task of a timely warning and intervention in the legislative operation.

Rather recently, the Parliament accepted the amendments formulated by the NGOs concerning the project for Access to Public Information Law (effective as of 23 December 2001) and asked for expertise from civic activists. The law is a very important step on the path towards active citizenship, since it forces authorities to be very prompt in providing information to the public, to put in the written form any failure to do so and to publish regular reports on the activity of public institutions (described as any form of organization which receives public funding). It has to be mentioned that the year 2001 re-launched a campaign led by a coalition of the NGOs specialized in civic education for the change of electoral law and party financing. The NGO fairs and forums are frequent and, interestingly enough, Romanian NGOs sponsor the revival of civil society in Yugoslavia, fostering new associations, foundations, societies, by exporting best practices and participating in joint projects. One could only cheer such developments, and say that Romania is a model to be followed, especially after witnessing how Romanian NGOs actively search for a place in the Pact for Stability programs or after encountering over 300 NGOs from all the Pact for Stability countries at the NGO Fairs hosted by Timisoara in the fall of 2001 (sponsored by the Soros Foundation), aimed at fostering networking and cross-border partnerships.

Empowering citizens - still a distant goal

So, after this sweet & sour picture, why do I still claim that the citizens of Romania lack power? Mainly, because whatever power they have is **given** to them from above, under certain conditions (that the request meets some international demand, that the administration wants to take action and it happens that its efforts go in the same direction, that the leader of the NGO enjoys a national prominence, coming from some other source of authority and only in the last instance that the institutions are convinced that the group

represented by the NGOs should be satisfied), and does not **reside** in people themselves. For instance, at the local level an initiative of the NGOs to demand the criteria concerning the support of the administration for their projects was simply rejected. The consultations with the NGOs did not result in a contract of partnership between the administration and the NGOs (while most public officials treat the public as "the enemy", with quite an unreasonable attitude, ungrateful for what has been accomplished and does not perceive the "rightful" priorities of the administration). And, most significantly, the citizen as a person cannot speak up in matters concerning their interests as an inhabitant of the village or city. There is no legal procedure for such an intervention. More than that: the governmental and the parliamentary levels are more transparent than the local one.

Several problems need to be solved in order to reclaim the power for citizens. A good place to start is education. The public debate is still a major problem for Romanians, more inclined to antagonize and reject than to use persuasive means for conflict resolution. Compromise is perceived as something dishonest, dirty, as a betrayal of group interests. On the other hand, the counterpart - institutions, from the local up to the national level - have still to acquire the skill to **hear**, and not only to **listen** what the public concerns are. This educational problem is a very difficult one, since it is rare that it is recognized as such and it does not have an adequate response. Whenever politicians and analysts look into the obstacles to a successful and quick integration of Romania into the European Union, this mentality handicap is acknowledged⁶. Citizens tend to be shy, passive and reluctant to speak up, even when invited⁷. Active citizenship, though it has some excellent examples, needs fostering.

The public debate, prior to decision-making, should be established as a common practice in all matters, from small, local to national levels. Also, lobbying should be accepted in Romania as part of a transparent, democratic process, while currently it is presented as a "pulling of strings" for obscure interests. The concepts such as lobbying and advocacy are new to Romania and not fully absorbed by the partners in the decision-making process.

Also, the NGOs could enhance their influence, by a large range of initiatives, starting with a better PR, a smoother communication with the media (a necessary ally in pursuing the goals), a professional approach to all the topics they place on the public agenda, careful that the agenda is near to public interests.

Last, but not least, Romania (on the part of the authorities), alongside with other new democracies, should look closer at diversifying the possibilities to bring the

citizens closer to decision-making. The Council of Europe itself is concerned with the topic and has been preparing new documents to initiate and encourage the process of increasing the local democratic participation. After all, localization is a process complementary to globalisation and should compensate the citizens for the change in the scale regarding the micro, micro-macro and macro levels. Thus, countries are and will be encouraged to promote at the local level forums, juries, panels, interactive web-sites, visioning exercises, referendums, public meetings and hearings, means for allowing for popular initiatives and so on. Knowing that the course is set towards these aims, once again the civil society may prove to be in the avant-guard of the change and the push for a quicker implementation of such tools in everyday practice.

Romanians have understood very well that there is always a possibility for change. This possibility is the main step toward an active citizenship. It is vital that the change be kept within their power. The obstacles are sometimes only in their minds, sometimes in the establishment, sometimes in the vicious attitude of authorities. But, with the "revolution of skills", with international support, with a clever use of democratic tools, the goal of empowering citizens is not beyond reach.

⁶ Adrian Severin, Two obstacles: the absence of middle class and civil society, in *Agora social-democrata*, 11, 2000, p. 81.

⁷ David Mathews, *Politics for people: finding a responsible public voice*, David Mathews and Charles F. Kettering Foundation, 1994.

Citizens' Participation in Local Self-Government: Workshop Summary

This expert workshop was a follow-up of the previous three workshops organized by Friedrich Ebert Stiftung, Regional Office Zagreb, within its regional project Decentralization of Local Self-Government. The entire series of these activities is sponsored by the German Government within its contribution to the Stability Pact for South Eastern Europe.

The incentive came from the participants, a group of experts from South-East Europe and the Friedrich Ebert Stiftung as a result of the previous workshop in Timisoara, Romania, on practical experience in cross-border co-operation programs. The workshop's structure included panellists i.e. experts presenting case studies, as stipulated in the agenda, and commentaries from other participants which led to a fruitful discussion and brainstorming.

The workshop was divided into two parts: the first tackled the issues of citizens' participation in initiatives and lobby-groups and the second dealt with the relationship of citizens and local government administration i.e. their participation in local legislation. However, the basic question that underlies both topics was what could be the main contribution of citizens' involvement in local government to the development of a democratic, peaceful and tolerant society.

In this sense local democracy as a precondition for democratic development of the state was discussed, in the sense that the democratisation of public administration is to be achieved by opening the door to public participation. Citizens should participate not only in political processes but also in different forms of non-governmental initiatives, in public i.e. local administration, whereas the main stress should be on the public, not the party interest.

The participants have highlighted the importance of various forms of citizens' participation and the problem that the citizens of transitional countries are still waiting for their governments to tell them what to do, since there is only little willingness to take responsibility.

Effective citizens' involvement is essential to good governance. Public officials as well as citizens play important roles in governing local communities, regions or states. Their co-operation is crucial for the promotion and preservation of democratic principles. Carrying-out of these principles and values can help shaping the future development of these communities.

Citizens' participation must be included in the process of policy development; it must be handled in a timely manner and must be given support (moral, financial etc.). In order to achieve these goals, public administration officers, as well as politicians and citizens, should be trained to handle this process.

As for the role of NGOs, it is generally believed that their role is very important as a tool of "pressure" on governments. In several countries in South-East Europe there seems to be a problem of credibility of some NGOs, possibly due to the fact that political parties funded them, and some lack honesty and clout. The main problem, however, lies in the unwillingness of citizens to take part in the non-governmental sector and in the fact that power is given from "above" rather than residing in people.

The participants were asked to reflect on the tools of "pressure", i.e. means of influencing decisions of local government units. The results are shown in the following table:

	Bosnia-Herzegovina	Slovenia	Romania	Bulgaria	Hungary	Serbia	Montenegro	Croatia	Albania
1	+	++	+	+	++	++	+	+	+
2	+	+	+	+	+	+	+	-	+
3	-	++	+	+	++	+	++	+	+
4	-	+	+	-	+	-	+	-	-
5	++	++	++	+	+	-	-	+	-
6	-	+	+	+	+	+	+	+	+
7	-	-	++	+	+	-	+	-	-
8	++	+	+	+	+	+	+	+	+
9	-	-	+	-	+	+	+	+	-

The classifications in the table reflect the impressions of the expert group and are not based on empirical data.

The most important tools of "pressure" are represented by numbers 1-9, as listed below, whereas "+" or "-" signify the "prevailing practice" in a particular country. The "-" sign does not necessarily mean that the tool in question does not exist, only that it does not represent common practice.

1. local publicity - using media to express local opinions and needs
2. self-organized action - organized protests
3. citizens' associations and initiatives articulating interests to city council (lobbying)
4. participation in the organization of local government actions
5. expressing special problems in public forums, hearings or debates
6. inviting experts to participate in the development of professional studies and materials that can be used in local government decisions

7. local referendums
8. legal steps
9. opinion polls.

One should not equate politics with parties. Yet, social movements are often turned into parties. A common problem in all post-communist countries in SEE is that political parties are still centralized - internal democracy is a concept still far away, whereas local party organizations are generally oriented to national issues rather than to local ones or vice-versa: there are numerous examples of mayors-turned-MPs who, instead of reflecting on national issues, represent local communities' interests.

Public administration (civil service system) ought to be positively "politicised" - they need not be politically neutral, but technocratism should be established as professionalism. There have been efforts undertaken in some of the SEE countries (Croatia) to introduce the Integrated System of Managing Quality (according to the demands of international standards ISO 9001:2000 and ISO 14001:1996) and to introduce the Code of Conduct, regulating internal and external communication between local government officials and citizens.

Authors

Zlata Ploštajner

Urban Planning Institute of the Republic of Slovenia
Trnovski pristan 2
SI 1127 Ljubljana
Slovenia
Tel.: +386 1 4201310
E-mail: zlata.plostajner@urbinstitut.si

Peter Nizak

Foundation for Development of Democratic Rights
Raoul Wallenberg utca 4
H 1136 Budapest
Hungary
Tel.: +36 1 3293939
E-mail: nizakp@demnet.org.hu

Nenad Klapčić

Istrian County, Council for European Integration
Flanatička 29
HR 52000 Pula
Croatia
Tel.: +52 372166
E-mail: nklapcic@excite.com

Damir Miljević

Enterprise Development Agency
Braće Podgornik bb
BiH 78000 Banja Luka
Bosnia and Hercegovina
Tel.: +387 51 314530
E-mail: damir@inecco.net

Mariana Cernicova

University Tibiscus in Timisoara
Ppl. N. Titulescu 11, Sc. A, Ap. 35
RO 1900 Timisoara
Romania
Tel.: +40 56 201471
E-mail: cernicova@hotmail.com



Ivana Zvrko
Friedrich Ebert Stiftung
Zagreb office
Medveščak 10
HR 10000 Zagreb
Croatia
Tel.: +385 1 4683346
E-mail: fcszg@email.hinet.hr